East Valley SELPA
Special Education Policies & Procedures Manual

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Provided to support the work of the East Valley SELPA and its member districts in serving students with disabilities.

Gratitude is extended to SELPA administrators throughout California and particularly those in Butte County SELPA, Humboldt-Del Norte SELPA, and Riverside County SELPA for their contributions to this manual.

June 2021
Revised September 2021
Revised June 2022
Revised November 2022
Revised May 2023
Revised October 2023
Revised January 2024
Revised July 2024
Revised September 2024
Revised June 2025
Revised July 2026

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CHAPTER I – GOVERNANCE

SECTION I – GOVERNANCE AND ADMINISTRATION

The East Valley Consortium Special Education Local Plan Area (SELPA) is a multi-district SELPA located within San Bernardino County comprised of the communities in the central southeastern and far eastern regions of the county. The East Valley SELPA membership includes the following Local Education Agencies (LEAs):

Colton Joint Unified School District

Redlands Unified School District

Rialto Unified School District

Rim of the World Unified School District

Yucaipa-Calimesa Joint Unified School District

San Bernardino County Superintendent of Schools

As the October 2025 Census, there are 11,316 students with disabilities enrolled in the East Valley SELPA's five member districts. The districts range in size total enrollment from approximately 2900 in the San Bernardino Mountain communities to between 7,800 and 23,000 each in the unified districts located in the San Bernardino Valley communities. All of the districts of the East Valley SELPA are unified school districts and are within one county office, the San Bernardino County Superintendent of Schools. Two of the districts of the East Valley SELPA are adjacent to Riverside County, Colton Joint Unified School District on the south and Yucaipa-Calimesa Joint Unified School District to the east. Portions of Yucaipa-Calimesa JUSD are geographically within Riverside County but are not part of the Riverside County Office of Education.

The member districts of the East Valley SELPA provide special education services to children from birth to age 22 years. Children with disabilities in all grade levels, inclusive of infant, preschool, transition-kindergarten, kindergarten through grade 12, and adult transition grades, are provided services.

Governance Structure

The governing body of the East Valley SELPA is the East Valley SELPA Board of Directors (Education Code 56205(a)(12)(A). The East Valley SELPA Board is composed of the Superintendent of each Local Education Agency (LEA) within the East Valley SELPA. Members of the East Valley SELPA Board of Directors provide a liaison function between the LEA governing boards and the East Valley SELPA Board of Directors. The San Bernardino County Superintendent of Schools serves as the Responsible Local Agency (RLA) as defined in Education Code 56030, or administrative unit as referred to in Education Code 56205(a)(12)(D)(ii). The RLA Superintendent serves as Chairperson of the Board. One superintendent is selected as Vice-Chairperson annually. The East Valley SELPA Chief Administrative Officer serves as Secretary to the Board.

Each member of the Board of Directors may designate an alternate representative if the Superintendent of the district cannot attend a meeting. The alternate representative is expected to meet with the Superintendent to review the Board of Directors meeting agenda prior to the meeting so as to accurately represent the wishes of the Superintendent. The alternate representative shall have full authority for decision make in representing the member district.

The East Valley SELPA Board shall meet on a regular basis according to Brown Act requirements. Members of the public, including parents or guardians of individuals with exceptional needs who are receiving services under the plan, may address questions or concerns to the East Valley SELPA Board at regularly scheduled meetings.

Responsibilities of the SELPA Governing Board

The East Valley SELPA Board members, under the direction of their respective elected Governing Boards, act to establish operational procedures and make decisions on any matters regarding the development, implementation, administration, and operation of special education programs in accordance with the intent of the Local Plan. The East Valley SELPA Board performs the following functions:

- Review and approve needed modification of the Local Plan on behalf of all districts in the East Valley SELPA and adopt amendments to the permanent portion of the Local Plan on an "interim basis," not to exceed one year, including the annual service and budget plans
- Adopt East Valley SELPA policies and procedures on behalf of their respective LEA Governing Boards to ensure compliance with the Local Plan and state and federal laws and regulations.
- Assure equal access to programs and services for all individuals with exceptional needs within the East Valley SELPA regardless of their district of residence.
- Adopt policies for the distribution of federal, state, and local funds received for special education programs.
- Adopt agreements including, but not limited to, interagency agreements with California Children's Services, Inland Regional Center and other public agencies that provide services to students with exceptional needs.
- Establish and promote the Community Advisory Committee. Encourage parental involvement through members of the CAC and consider requests and recommendations from the CAC and other parent groups.
- Provide assistance in the selection, direction, discipline, and evaluation of the East Valley SELPA Chief Administrative Officer.
- Provide administrative leadership in support of the special education programs operated by the Local Education Agency. [EC 56195.5 (a)]
- Act as a liaison between the governing board of the Local Education Agency and the East Valley SELPA Governing Bard, transmitting suggestions for the development and/or modification of policy to the East Valley SELPA Governing Board and vote upon such matters in accordance with direction from the Local Education Agency governing boards.

Voting by the Governing Board

The East Valley SELPA Board has enjoyed a long history of good faith cooperation and fairness supporting the motto of 'one for all and all for one.' For this reason, one vote is allocated to each member LEA for all East Valley SELPA Board matters on which action must be taken. Each LEA listed above receives one (1) vote. The member or alternate representative must be present at the meeting to cast a vote. In order for a motion to pass, it must receive a majority of votes of all members of the Board, not a quorum of the Board.

Responsibilities of LEA Superintendents or Designees (EC 56205(a)(D)(i))

The superintendents of each participating local education agency, or chief official in the case of a Charter School approved as a Local Education Agency by the East Valley SELPA Board, shall be responsible for special education programs operated by the agency for implementing all requirements of the Local Plan. Each LEA superintendent has the responsibility to:

- Annually recommend to the governing board the modifications of Local Education Agency special education programs that are necessary to meet the changing needs of students, to be included in the annual

service and budget plans submitted to the East Valley SELPA.

- Maintain and submit financial and program information to the administrative unit and East Valley SELPA as required.
- Establish and maintain all procedural safeguards as defined by the Individuals with Disabilities Education Act.
- Provide for the ongoing evaluation of special education programs operated by the Local Education Agency in accordance with guidelines established by the California Department of Education.
- Appoint an appropriate administrator of special education programs and a person who is knowledgeable in the area of special education finance to membership on the East Valley SELPA Steering Committee
- Respond to all complaints and requests for due process relative to the provision of services to students with disabilities.
- Designation of participants for the East Valley SELPA Steering Committee.
- Establishment and promotion of a Community Advisory Committee.

Responsibilities of LEA Board Members (EC 56195.1, 56195.5)

Local education agency boards shall:

- Exercise authority over, assume responsibility for, and be fiscally accountable for special education programs operated by the agency.
- By approving the Local Plan, enter into an agreement with other local education agencies participating in the plan, for purpose of delivery of regional services and programs.
- Review and approve revisions of the East Valley SELPA Local Plan for Special Education.
- Participate in the governance of the East Valley SELPA through their designated representative to the East Valley SELPA Board. The governing boards provide the designated East Valley SELPA Board member with the authority to act as the East Valley SELPA Board designee to approve and amend policies, as necessary.
- If the San Bernardino County Superintendent of Schools provides services to more than one SELPA within the county, relevant provisions of contracts between the county office and its employees governing wages, hours, and working conditions shall supersede like provisions contained in any other plan submitted.

Responsibility of Participating Agencies (EC 56195.1(b)(2), 56195.5, 56207)

In adopting the Local Plan, each participating local education agency agrees to carry out the duties and responsibilities assigned to it within the plan. Each agency shall provide special education and services to all eligible students within its boundaries, including students attending charter schools where that local education agency of the East Valley SELPA has granted that charter. In addition, each agency shall cooperate t the maximum extent possible with other agencies to serve individuals with exceptional needs who cannot be served in the local education agency of residence programs. Such cooperation ensures that a range of program options is available throughout the East Valley SELPA.

Any participating local education agency may provide for the education of special education students in special education programs maintained by other districts or counties and may include within the special education program students who reside in other districts or counties.

Responsibility of Agencies When Applying to or Withdrawing from the SELPA (EC 56195.3(b))

Changes to the governance structure of the East Valley SELPA may occur with the addition or withdrawal of an LEA in accordance with Ed Code 56195.1 and all relevant statutes. Any LEA will cooperate with the county office and other school districts in the geographic area in planning its options under EC 56195.1 and each fiscal year, notify the California Department of Education, impacted special education local plan areas, and participating county offices of its intent to withdraw from the SELPA or apply to join a SELPA at least one year and one day prior to the proposed effective date of the implementation to the alternative plan. Any such plan will be submitted to the county office for review in accordance with guidelines approved by the Board.

The following shall apply for LEAs being added to the East Valley SELPA:

- An LEA may request to participate in the East Valley SELPA at any time with participation to begin July 1 of the following fiscal year.
- The East Valley SELPA Chief Administrative Officer will notify the East Valley SELPA Board of Directors, SBCSS, and the California State Department of Education within 30 days of receipt of the request.
- The East Valley SELPA Chief Administrative Officer and/or East Valley SELPA staff will review the request and make a written recommendation, including a thorough analysis of governance and fiscal implications caused by such proposed action, within 60 days of receipt of the notice.
- The East Valley SELPA Board of Directors will receive copies of the written recommendation at least 10 days prior to the item appearing on an agenda.
- The East Valley SELPA Board of Directors will take action to approve or disapprove the LEA request to participate in the East Valley SELPA within 100 days of notice receipt.
- If approved, the request to participate will become effective on July 1 of the next fiscal year.
- The new LEA shall participate in the governance of the East Valley SELPA in the same manner as other LEAs of the East Valley SELPA.
- The new LEA shall participate in state and federal funding for special education and will receive the funding in the same manner as other LEAs of the East Valley SELPA as specified in the East Valley SELPA Fiscal Allocation Plan.

The following shall apply for LEAs withdrawing from the East Valley SELPA:

- The Superintendent of the LEA requesting withdrawal must submit written notice, with details of the plan to withdraw, to the East Valley SELPA Chief Administrative Officer at least one year and one day prior to the proposed effective date of the implementation to withdraw.
- Withdrawals can only occur on July 1 of any given year.
- The East Valley SELPA Chief Administrative Officer will notify the East Valley SELPA Board of Directors, SBCSS, and the California State Department of Education within 30 days of receipt of the request to withdraw.
- The East Valley SELPA Chief Administrative Officer and/or East Valley SELPA staff will review the notice and make a written recommendation, including a thorough analysis of governance or fiscal implications caused by such proposed action, within 60 days of receipt of the notice.
- The East Valley SELPA Board of Directors will receive copies of the written recommendation at least 10 days prior to the item appearing on an agenda.

- The East Valley SELPA Board of Directors will take action to approve or disapprove the LEA withdrawing from the East Valley SELPA within 100 days of notice receipt.
- If approved, the withdrawal will become effective on July 1 of the next fiscal year.
- Any district initiating a proposal to withdraw from the East Valley SELPA shall bear the total cost of consultants retained by the LEA or East Valley SELPA to provide a thorough analysis of legal or fiscal implications caused by such proposed action. In addition, any due process costs associated with a withdrawal from East Valley SELPA or program transfer within the East Valley SELPA shall be born entirely by the district initiating the change.

Implementation of Administrative Functions (EC 56195(b)(3)(c)(2), 56195.1, 56205(a)(12)(D)(ii) and (IV)

The governing boards of each of the participating local education agencies agree to invest the East Valley SELPA Board with the responsibility of designating an appropriate agency as the Responsible Local Agency (RLA) for the administration of the Local Plan and its implementation. The San Bernardino County Superintendent of Schools is designated as the Responsible Local Agency (RLA) for the East Valley SELPA. It shall be responsible for functions such as, but not limited to:

- Receipt and distribution of special education funds to district accounts for the operation of special education programs and services.
- Receipt and distribution of special education funds to accounts exclusively designated for East Valley SELPA use.
- The employment of staff in accordance with direction from the East Valley SELPA Board for functions the East Valley SELPA is required to provide.

The East Valley SELPA office is designated as the entity responsible for the administration of the Local Plan and assuring that the East Valley SELPA is in compliance with all applicable laws and regulations.

East Valley SELPA Steering Committee

The East Valley SELPA Board designates a steering committee. The East Valley SELPA Steering Committee is comprised of local education agency administrators of special education and LEA staff who are knowledgeable in the area of special education programs and finance. They are responsible for the coordination of special education service and programs within their agencies, distribution and monitoring of funds within their agencies, and for the implementation of the Local Plan within their agencies. The East Valley SELPA Steering Committee provides input on policies and procedures, which are presented to the East Valley SELPA Board for approval.

The five LEAs appoint an appropriate administrator of special education programs and a person who is knowledgeable in the area of special education finance to membership on the East Valley SELPA Steering Committee. No standing alternates are accepted. Emergency alternates may be selected for specific meetings. San Bernardino County Superintendent of Schools for East Valley Operations will also appoint an appropriate administrator. Each member shall have one vote. The member or the emergency alternate must be present to cast his/her vote unless the Committee determines otherwise by its action. A quorum consists of four of the six voting members.

The East Valley SELPA Chief Administrative Officer will function as the Chairperson of the Committee. In the absence of the chairperson, the East Valley SELPA Program Manager may serve as co- chairperson. The East Valley SELPA Administrative Assistant will function as secretary to the committee and is responsible for providing timely written notice of the meeting and agenda, minutes for the meeting, and additional documentation

as needed to provide for informed decision-making. The Committee will have a minimum of ten meetings per year. Special meetings may be scheduled as the membership deems necessary. The East Valley SELPA Steering Committee will have no standing subcommittees. Special subcommittees or work groups may be formed for limited and specific purposes as determined necessary by the East Valley SELPA Chief Administrative Officer.

East Valley SELPA Staffing (EC 56204(a)(12)(D)(ii)

The East Valley SELPA Board shall be responsible for designating the staff to support the functioning of the East Valley SELPA. In reviewing and approving the East Valley SELPA budgets on an annual basis, the East Valley SELPA Board designates the staffing for the East Valley SELPA office upon recommendation of the East Valley SELPA Chief Administrative Officer.

East Valley SELPA Chief Administrative Officer

The fundamental role of the East Valley SELPA Chief Administrative Officer is to direct all East Valley SELPA staff, as well as provide leadership and facilitate the decision-making process. The East Valley SELPA Chief Administrative Officer's role includes the provision of information, specific services identified by the Board, technical assistance, leadership, and arbitration. It is the East Valley SELPA Chief Administrative Officer's responsibility to represent the interests of the East Valley SELPA as a whole without promoting any particular local education agency interest over the interest of any other agencies. In the event there are differences of opinions and/or positions on issues, it is the East Valley SELPA Chief Administrative Officer's responsibility to mediate a reasonable resolution of the issue(s).

The East Valley SELPA Board shall be responsible for the selection, direction, monitoring, discipline, and evaluation of the East Valley SELPA Chief Administrative Officer. The evaluation will be completed per SBCSS policy. The East Valley SELPA Board shall be assisted in the hiring and selection process by the Responsible Local Agency. It is understood that this includes responsibility for any allegations of violations arising under the federal and state equal employment law.

The East Valley SELPA Chief Administrative Officer is subject to the RLA's policies and procedures for day-to-day operations, but receives direction from, and is responsible to, the East Valley SELPA Board. The East Valley SELPA Chief Administrative Officer is evaluated by the superintendents of the member LEAs through a written document provided by the SBCSS Superintendent's office. The results are compiled and the Responsible Local Agency Superintendent, along with representatives from the East Valley SELPA Board chosen by their peers from the Board, if deemed necessary, will meet with the East Valley SELPA Chief Administrative Officer to review the results and comments.

East Valley SELPA Staff

East Valley SELPA staff shall be employed by the RLA and supervised by the East Valley SELPA Chief Administrative Officer according to the RLA's policy and practices. The East Valley SELPA Chief Administrative Officer shall use a selection process that is in accordance with the law and personnel policies of the Responsible Local Agency. The supervision of East Valley SELPA staff will be determined by the East Valley SELPA Chief Administrative Officer.

Program Manager – Due Process

Within the East Valley SELPA, a program manager will provide support to the East Valley SELPA member districts in matters related to special education including compliance, resolution, mediation, and due process. In addition, this position will represent the East Valley SELPA and member districts before a variety of

administrative bodies and perform related duties as assigned.

The following job elements are identified with this position:

1) Consults with member districts and provides support on issues relating to complaints, dispute resolution activities, mediation, and due process.
2) Completes due process case analysis for member districts.
3) Facilitates and/or participates in IEP meetings, due process, and other litigation hearings.
4) Identifies and develops quality assurance monitoring programs.
5) Establishes and implements training programs and services.
6) Collaborates with state and local agencies, school districts and community organizations.
7) Recommends enhancements to East Valley SELPA policies, procedures, guidelines, and Local Plans relating to state and federal laws.

Program Manager – Regional Services

Within the East Valley SELPA, a program manager assists and/or conducts the procedures involved in alternative dispute resolution, complaints, and investigations for all participating departments within the East Valley SELPA, as directed by the East Valley SELPA Chief Administrative Officer.

The following job elements are identified with this position:

1) Inter-SELPA program placements.
2) Placement in as well as oversight and evaluation of nonpublic schools.
3) Recommends enhancements to East Valley SELPA policies, procedures, goals, and strategies related to program accountability and state performance plan indicators.
4) Determination of as well as oversight and evaluation of private services/ nonpublic agencies (NPA).
5) Review and assistance in district IEP team procedures.
6) Assistance to local departments in complaint/mediation procedures and alternative dispute resolution.
7) Oversight of the East Valley SELPA professional development offerings.

Program Specialists (Education Code 56205 (b)(1)(F), 56206, 56368

The program specialists are employed by the East Valley SELPA and serve the East Valley SELPA districts. The East Valley SELPA Board designates the number and type of specialists upon recommendation of the East Valley SELPA Chief Administrative Officer as well as approves the East Valley SELPA budget for its expenditures. The Program Specialist holds a valid special education credential, related services credential or a pupil personnel service credential and has advanced training and related experience in the education of individuals with exceptional needs. The Program Specialist also has specialized, in-depth knowledge in preschool disabilities, career vocational development, or one or more areas of major disabling conditions.

The governing boards of the local education agencies identify the importance of employment of program specialists to provide unique and necessary services to the agencies and to pupils in the East Valley SELPA. Program specialists shall provide the following services:

1) Observe, consult with, and assist, in accordance with local education agency procedures, special education teachers and support staff.

2) Utilize evidence-based data to plan programs, coordinate curricular resources and shared in the evaluation of the effectiveness of programs for children with disabilities.
3) Provide technical assistance to special and general education staff regarding program development and maintenance of special education instructional programs to meet federal and state mandates.
4) Facilitate and support the implementation of progressional learning opportunities and both the regional and school-site level.
5) Assist districts to meet federal and state standards and special education reporting requirements.
6) Assist with analyzing data and recommend applicable modifications to curriculum and instructional strategies.
7) Provide coordination, consultation, and program development in one of more specialized areas of expertise.
8) Upon request, participate in and/or conduct IEP team meetings where technical assistance is needed.
9) Assist in developing training for parents and members of the Community Advisory Committee.
10) Provide in-service training and technical assistance for general and special education teachers, administrators, support staff and parents.

Fiscal Consultant

The Fiscal Consultant is the primary fiscal agent employed by the East Valley SELPA. The Fiscal Consultant is responsible for the development, implementation, and maintenance of fiscal operations and procedures as well as the analysis of fiscal data and the preparation of fiscal budgetary reports in support of East Valley SELPA operations.

Other Administrative Services

East Valley Student Services - While employed as a San Bernardino County Superintendent of Schools (SBCSS) employee, the county administrator and area director work collaboratively with the East Valley SELPA Chief Administrative Officer for all program effectiveness and quality issues. Through communication with the administrator and area director, the East Valley SELPA Chief Administrative Officer assures that services provided by the East Valley Student Services comply with East Valley SELPA polices/guidelines and interface effectively with program services provided by other departments within the consortium.

Management Information System - the East Valley SELPA is responsible for effective collection and maintenance of data relevant to program, placement of children, and other data required by state and federal mandates.

Fiscal Services – accounting services are provided in the areas of nonpublic school and residential treatment center cost billings, audits procedures, and other areas of special education finance.

Regional Policy Making Process

The East Valley SELPA policy making process includes input from all governance committees on behalf of the member LEAs. These East Valley SELPA convened meetings provide a forum where needs can be assessed, issues can be raised, and suggestions for change and/or improvement can be discussed and recommendations for action can be made with respect to planning and provision of special education programs and services.

The governing boards of the LEAs agree to designate authority to the East Valley SELPA Board of Directors to approve East Valley SELPA-wide policies and procedures, the East Valley SELPA Local Plan including the

Annual Budget and Service Plans and any subsequent modifications. At the Board meetings, which follow the Brown Act rules, the Board makes decisions regarding these and other items that are required for coordinating and implementing the local plan.

The East Valley SELPA Chief Administrative Officer reviews and proposes policies for the operation of special education programs and services within the East Valley SELPA. The East Valley SELPA Steering Committee provides input on policies and procedures, which are presented to the East Valley SELPA Board for approval.

Policy, procedure, and budget development matters may be reviewed by the East Valley SELPA Steering Committee prior to action by the East Valley SELPA Board. Special education teachers, regular education teachers, administrators and parent members of the CAC participate in regular consultations regarding policy and budget development through input at regular scheduled CAC meetings.

The East Valley SELPA Chief Administrative Office serves on behalf of the member local education agencies and ensures implementation of the Local Plan along with the services identified in the Annual Service Plan provided for it the Annual Budget Plan. This includes oversight of the following regional services and East Valley SELPA operations:

1) Coordination of the East Valley SELPA and the administration of the Local Plan.
2) Coordinated system of identification and assessment.
3) Coordinated system of procedural safeguards.
4) Coordinated system of staff development and parent education.
5) Coordinated system of internal program review, evaluation of the effectiveness of the local plan and implementation of a local plan accountability mechanism.
6) Coordinated system of data collection and management.
7) Coordination of interagency agreements.
8) Coordination of services to medical facilities.
9) Coordination of services to licensed children's facilities and foster family homes.
10) Preparation and transmission of required East Valley SELPA reports.
11) Fiscal and logistical support of the Community Advisory Committee.
12) Coordination of career, vocational, and transition services.
13) Assurance of full educational opportunity.
14) Fiscal administration and the allocation of state and federal funds.
15) Direct instructional support provided by program specialists.
16) Direct programmatic support provided by psychologists.
17) Coordination of the distribution and assignment of specialized equipment and services.
18) Coordination of services to individuals with exceptional needs in juvenile court schools or county community schools pursuant to EC 56150.

In the event of a disagreement among local education agencies, local education agencies and the RLA, local education agencies and/or the RLA and the East Valley SELPA regarding the distribution of funding, responsibility for service provision and any other governance activities specified in the Local Plan, it is the intent of the East Valley SELPA Board that issues be resolved at the lowest level possible in the governance structure

outlined in the Local Plan. The East Valley SELPA Board is considered to be the last resort. This policy is intended to resolve disagreements within a period of 45 days but is not intended to undermine local authority.

If a local education agency disagrees with a decision or practice of another agency or the East Valley SELPA office, that local education agency has a responsibility to discuss and attempt resolution of the disagreement with the party, or parties, directly involved. The parties involved will present the issues to their respective superintendents, or designees, who will attempt to resolve the matter. Either party may request the direct assistance of the East Valley SELPA Chief Administrative Officer, his/her designee, or Chair of the East Valley SELPA Board or the services of a neutral mediator from outside the East Valley SELPA. In the event the issue has not been resolved, either party may request a review by the East Valley SELPA Steering Committee. If either party disagrees with the recommendation of the East Valley SELPA Steering Committee, either party may request that the issue be placed on the East Valley SELPA Board agenda for a hearing on the issues and resolution. The decision of the East Valley SELPA Board shall be final.

Role of the San Bernardino County Superintendent of Schools

The County Office of Education for the East Valley SELPA is the San Bernardino County Superintendent of Schools (SBCSS). SBCSS, as the regional local agency for the East Valley SELPA, shall be responsible for functions such as, but not limited to:

1) Receipt and distribution of special education funds to district accounts for the operation of special education programs and services.
2) Receipt and distribution of special education funds to accounts exclusively designated for East Valley SELPA use.
3) The employment of staff in accordance with direction from the East Valley SELPA Board for functions the East Valley SELPA is required to provide.

The County Office of Education is a member of the East Valley SELPA Board of Directors. It is designated as the Responsible Local Agency (RLA) for the East Valley SELPA to assure the implementation of the Local Plan and East Valley SELPA policies, agreements, and procedures of the East Valley SELPA Governing Board in cooperation with participating LEAs. The distribution of the federal and state funds is the responsibility of East Valley SELPA in accordance with the East Valley SELPA Fiscal Allocation Plan and policies, agreements, and procedures of the East Valley SELPA Board. The East Valley SELPA Chief Administrative Officer is employed by SBCSS. Employment, supervision, evaluation, and discipline follow the SBCSS Human Resources Standard Operating Procedures.

East Valley SELPA staff members are employed by SBCSS upon recommendation from the East Valley SELPA Chief Administrative Officer. Supervision, evaluation, and discipline of the East Valley SELPA staff employed by SBCSS in support of the Local Plan shall be the responsibility of the East Valley SELPA Chief Administrative Officer.

The East Valley SELPA Chief Administrative Officer, with the assistance of SBCSS (the county office) shall be responsible for monitoring, on an annual basis, the appropriate use of all funds allocated for special education programs. The East Valley SELPA Board through the Annual Budget Plan process shall make final determination and action regarding the appropriate use of special education funds.

The East Valley SELPA Chief Administrative Officer, with the assistance of the Fiscal Consultant, and SBCSS (the county office) Responsible Local Agency, shall be responsible to prepare all program and fiscal reports required of the East Valley SELPA by the state.

The East Valley SELPA office is designated as the entity responsible for the administration of the Local Plan and assuring that the East Valley SELPA is in compliance with all applicable laws and regulations.

San Bernardino County Superintendent of Schools provides services to students in the East Valley SELPA through a regional program. As such, relevant provisions of contracts between the county office and its employees governing wages, hours, and working conditions shall supersede like provisions contained in any other plan submitted.

It is the responsibility of the San Bernardino County Superintendent of Schools as the county office to:

1) Post on the Internet Website of the county office any local plan, annual budget plan, annual service plan, and annual assurances support plan upon approval of the county office, and any updates or revisions to the plans upon approval of the county office.

Education Code 56140 specifies the following responsibilities for the East Valley SELPA Local Plan Approval process:

1) Initiate and submit to the Superintendent a countywide plan for special education that demonstrates the coordination of all local plans submitted pursuant to Section 56205 and that ensures that all individuals with exceptional needs residing within the county, including those enrolled in alternative education programs, including, but not limited to, alternative schools, charter schools, opportunity schools and classes, community day schools operated by districts, community schools operated by county offices of education, and juvenile court schools, will have access to appropriate special education programs and related services.

Approval shall be based on the capacity of the district or districts to ensure that special education programs and services are provided to all individuals with exceptional needs, and both of the following:

1) Whether the local plan adheres to the guidelines established pursuant to Section 56122 for the development of local plans.
2) Whether the local plan contains all of the required components as detailed in Section 56205.
    a) Participate in the state onsite review of the district's implementation of an approved local plan.
    b) Join with districts in the county that elect to submit a plan or plans pursuant to subdivision (c) of Section 56195.1. Any plan may include more than one county, and districts located in more than one county. Nothing in this subdivision shall be construed to limit the authority of a county office to enter into other agreements with these districts and other districts to provide services relating to the education of individuals with exceptional needs.
    c) For each special education local plan area located within the jurisdiction of the county office of education that has submitted a revised local plan pursuant to Section 56836.03, the county office shall comply with Section 48850, as it relates to individuals with exceptional needs, by making information on educational options available to agencies that place children in licensed children's institutions.

Representation and Participation of the Community Advisory Committee (CAC)

Membership in the Community Advisory Committee is by appointment and action of the participating LEA boards of education. A continuous effort is maintained to inform any interest parents in participating on the committee. Terms of office are approved as two years, and at least 51 percent of the committee's members are to be parents of special education students. Each CAC member will receive information that outlines the duties and responsibilities of the organization. In addition of parents of students with disabilities, East Valley SELPA CAC membership may include employees of the East Valley SELPA, employees of the East Valley SELPA's LEAs, regional center representation, family empowerment center representation, and parents of former students with disabilities.

Community Advisory Committee (CAC) members serve as liaisons between the local Boards of the East Valley SELPA member districts and the community to improve the quality of education and services for students with disabilities. The East Valley SELPA CAC meets a minimum of four times per year or quarterly. Additional meetings are held at the request of the CAC.

The East Valley SELPA Chief Administrative Officer works collaboratively with the CAC. Officers may request a presentation, discussion, or explanation of any program service provided within the East Valley SELPA. The CAC chairperson, in conjunction with other officers, if necessary, may request to present information to any governance body within the East Valley SELPA.

During its annual activities, the CAC will regularly forward communications to all parents of children receiving special education services within the East Valley SELPA via the district directors of special education. Parents will be invited to attend any of the regularly scheduled meetings held by the committee. Various programs of interest will be scheduled for presentation. The committee will determine the need to study various issues, and all interested community members will be invited to attend. Input by individual parents, teachers, and others will be encouraged. It will be the goal of the CAC to support all local and regional activities organized on behalf of students with special needs. A listing of their duties is as follows:

1) Assist the East Valley SELPA in the development and implementation of the local plan for special education which can include collaborating, reviewing, and assisting with revising the local plan.
2) Serve as a liaison between community members and the district administrator of special education.
3) Raise the community consciousness through parent education programs and increase community acceptance of the differences in learning abilities in children and the need for educational and vocational provisions to accommodate these differences.
4) Provide a forum where needs can be assessed, issues can be raised, and suggestions for change and/or improvement can be discussed and recommendations for action can be made with respect to planning and provision of special education programs and services.
5) Interact with parent groups and individual students' parents to encourage consistent and continuous attendance of children to their school programs.
6) Promote and elicit broad community support for special programs and services.

Parent education is facilitated through the network and communication of the Community Advisory Committee. Informative presentations are given during some CAC meetings to provide parent education. In depth parent training series are available through the East Valley SELPA to CAC members and all parents in the districts served by the East Valley SELPA.

East Valley SELPA's process for consultation regarding the plan development with representative of special education and regular education teachers, and administrators selected by the groups they represent and parent members of the CAC [EC56205(a)(12)(E); EC 56205(b)(7)]

The Local Plan is developed and updated cooperatively by a committee of representatives of special and general education teachers and administrators and representatives of charter schools selected by the groups they represent and with participation by the chairperson of the CAC along with other CAC members to ensure adequate and effective participation and communication. Teacher participants shall be selected by their peers. General education and special education administrators shall be selected by the representative superintendents. Directors of charter schools shall be requested to select a representative to serve. This committee is called the East Valley SELPA Local Plan Committee. It meets at designated times to provide input on the development of the Local Plan and to review drafts of the Plan as well as make recommendations to the East Valley SELPA Chief Administrative regarding revisions to the Plan. In addition, parent members of the East Valley SELPA CAC also make recommendations to the East Valley SELPA Chief Administrative Officer regarding revisions of the Plan at regularly scheduled CAC meetings.

The East Valley SELPA provides verification that the local plan has been reviewed by the community advisory committee and that the committee had at least 30 days to conduct this review before submission of the local plan to the East Valley SELPA Board for approval.

Members of the public, including parents or guardians of individuals with exceptional needs who are receiving services under the plan are informed of and invited to a public input meeting to discuss the plan. Notification of the public input meeting date is posted in member school districts for two weeks prior to the meeting date. The Local Plan is also presented as a discussion item at appropriate governance meetings. Members of the public, including parents or guardians of students with disabilities, may address, through standardized procedures, questions, or concerns to the governing boards of the local education agencies, the East Valley SELPA Board, the East Valley SELPA Steering Committee, and any subcommittees of these governance groups.

Responsibilities of the East Valley SELPA's Administrative Unit to receive and distribute funds, provide administrative support, and coordinator and implementation of the plan [EC 56836.01(a)(b); EC 56205(a)(12)(D)(ii); EC 56195(b)(3); EC 56030]

The County Office of Education for the East Valley SELPA is the San Bernardino County Superintendent of Schools (SBCSS) . It is designated as the Responsible Local Agency (RLA)/Administrative Unit for the East Valley SELPA. It shall be responsible for functions such as, but not limited to:

- Receipt and distribution of special education funds to district accounts for the operation of special education programs and services.
- Receipt and distribution of special education funds to accounts exclusively designated for East Valley SELPA use.
- The employment of staff in accordance with direction from the East Valley SELPA Board for functions the East Valley SELPA is required to provide.

SBCSS, the regional local agency for the East Valley SELPA, will provide the following services:

A. A supporting personnel system will be provided for contacting, recruiting, and employing necessary East Valley SELPA staff to comply with state law, the Local Plan, and East Valley SELPA Board

decisions. The personnel will be employees of the RLA and responsive to the same policies as other members of that office.

B. The RLA will provide support to the East Valley SELPA for completion of necessary operational contractual arrangements, and for a purchasing process for obtaining necessary equipment, materials, and supplies to meet outlined responsibilities. These business procedures will comply with all necessary policies and procedures of the RLA fiscal management system.

Responsibility of Participating Agency for the Education of Each Student with Special Needs

The local education agencies within the East Valley SELPA join together pursuant to Sections 56140 and 56195 of the California Education Code to adopt a plan to assure access to special education and services for all eligible individuals with disabilities residing in the geographic area served by these agencies, hereafter known as the East Valley Special Education Local Plan Area. Participating agencies may enter into additional contractual arrangements to meet the requirements of applicable federal and state law. Special education accountability is the responsibility of each member district for the students within their jurisdiction. There are no additional contractual agreements that supersede education code.

In adopting the Local Plan, each participating local education agency agrees to carry out the duties and responsibilities assigned to it within the plan. Each agency shall provide special education and services to all eligible students within its boundaries, including students attending charter schools where that local education agency of the East Valley SELPA has granted that charter. In addition, each agency shall cooperate to the maximum extent possible with other agencies to serve individuals with disabilities who cannot be served in the local education agency of residence programs. Such cooperation ensures that a range of program options is available throughout the East Valley SELPA. For example, SBCSS operates a regional program to provide services to students with extensive needs and low incidence disabilities which is made available to all the local education agencies of the East Valley SELPA. Another example includes the inter-SELPA agreements, the East Valley SELPA engages in with neighboring SELPAs to provide for specialized programming that may not be available. This is particularly true for students residing in the remote sections of the San Bernardino Mountains and Deserts that adjoin the East Valley SELPA.

Any participating local education agency may provide for the education of special education students in special education programs maintained by other districts or counties and may include within the special education program students who reside in other districts or counties. Within the East Valley SELPA, there is a cooperative agreement wherein infant services are operated by SBCSS for four of the East Valley SELPA local education agencies (i.e., Colton JUSD, Rialto USD, Rim of the World USD, and Yucaipa-Calimesa JUSD). Redlands Unified School District provides their own infant services. In addition, SBCSS provides infant services for Fontana USD via an agreed upon memorandum of understanding (MOU) that is reviewed annually. This MOU permits regular collaboration with the East Valley SELPA, its member districts, Fontana USD, and the local regional center in alignment with the East Valley SELPA and Inland Reginal Center Interagency Agreement.

The East Valley SELPA maintains interagency agreements with agencies within the region, each outlining how the member LEAs will interact with each other and with said agencies in the identification and provision of special education and related services to students residing within the East Valley SELPA member districts. This includes agreements with California Children's' Services delineating the fiscal support the East Valley SELPA provides for two medical therapy units operated on classrooms in Redlands USD and Colton JUSD, and with Inland Regional Center for the implementation of California’s Early Intervention services which describes specific

policies, procedures, roles and responsibilities for serving infants and toddlers as well as the provision of transition procedures for the transition of toddlers into local education agencies preschool programs and services. The East valley SELPA also has a grant provided by the California Department of Rehabilitation for the provision of transition services to high school and adult transition students.

The East Valley SELPA and its member local education agencies may enter into additional contractual arrangements to meet the requirements of applicable federal and state laws. [EC 56195; 56195.1(c); 56195.5(a); 56195.5(b); 56205(a) (12) (D)]. These contracts are with nonpublic schools and agencies to provide services both in school and in pupils' homes as well as with residential treatment centers, both inside and outside of California, for students who require placement outside of their homes.

In all cases, the East Valley SELPA and its regional local agency, SBCSS, ensures conformity with Sections 1412(a) and 1413(a)(1) of Title 20 United States Code (20 USC), and in accordance with Title 34 Code of Federal Regulations (34 CFR) Section 300.201, that its policies, procedures, and programs are consistent with state laws, regulations, and policies governing each of the requirements established in EC 56205(a)(1) -(22)

Responsibility of LEA Governing Board in the Policymaking Process [EC 56205(a)(12)(D)(i)]

The governing body of the East Valley SELPA is the East Valley SELPA Board. The East Valley SELPA Board is composed of the Superintendent of each Local Education Agency (LEA) within the East Valley SELPA. Members of the East Valley SELPA Board are responsible to the governing East Valley SELPA Board of their respective local education agency.

Responsibilities of LEA Superintendents or Designees [EC 56205(a)(12)(D)(i)]

The superintendents of each participating local education agency, or chief official in the case of a Charter School approved as a Local Educational Agency by the East Valley SELPA Board, shall be responsible for special education programs operated by the agency and for implementing all requirements of the Local Plan. Each LEA superintendent has responsibility to:

- Annually recommend to the governing board the modifications of Local Education Agency special education programs that are necessary to meet the changing needs of students, to be included in the annual service and budget plans submitted to the East Valley SELPA.
- Maintain and submit financial and program information to the administrative unit and East Valley SELPA as required.
- Establish and maintain all procedural safeguards as defined by the Individuals with Disabilities Education Act.
- Provide for the ongoing evaluation of special education programs operated by the Local Education Agency in accordance with guidelines established by the California Department of Education.
- Appoint an appropriate administrator of special education programs and a person who is knowledgeable in the area of special education finance to membership on the East Valley SELPA Steering Committee
- Respond to all complaints and requests for due process relative to the provision of services to students with disabilities.
- Designation of participants for the East Valley SELPA Steering Committee.

- Establishment and promotion of a Community Advisory Committee.

Responsibilities of LEA Board Members (EC 56195.1, 56195.5)

Local education agency boards shall:

- Exercise authority over, assume responsibility for, and be fiscally accountable for special education programs operated by the agency.
- By approving the Local Plan, enter into an agreement with other local education agencies participating in the plan, for purpose of delivery of regional services and programs.
- Review and approve revisions of the East Valley SELPA Local Plan for Special Education.
- Participate in the governance of the East Valley SELPA through their designated representative to the East Valley SELPA Board. The governing boards provide the designated East Valley SELPA Board member with the authority to act as the East Valley SELPA Board designee to approve and amend policies, as necessary.
- If the San Bernardino County Superintendent of Schools provides services to more than one SELPA within the county, relevant provisions of contracts between the county office and its employees governing wages, hours, and working conditions shall supersede like provisions contained in any other plan submitted.

Responsibility of Participating Agencies (EC 56195.1(b)(2), 56195.5, 56207)

In adopting the Local Plan, each participating local education agency agrees to carry out the duties and responsibilities assigned to it within the plan. Each agency shall provide special education and services to all eligible students within its boundaries, including students attending charter schools where that local education agency of the East Valley SELPA has granted that charter. In addition, each agency shall cooperate to the maximum extent possible with other agencies to serve individuals with disabilities who cannot be served in the local education agency of residence programs. Such cooperation ensures that a range of program options is available throughout the East Valley SELPA.

In developing the local plan, the East Valley SELPA cooperates with the county office of education to approval of the local plan, its posting on website of the count office of education to include the annual budget plan and annual service plan, and any updates or revisions to the plans upon approval of the special education local plan area.

Responsibilities of LEA Boards (EC 56195.1, 56195.5)

Local education agency boards shall:

Participate in the governance of the East Valley SELPA through their designated representative to the East Valley SELPA Board. The governing boards provide the designated East Valley SELPA Board member with the authority to act as the East Valley SELPA Board designee to approve and amend policies, as necessary.

The governing boards of each of the participating local education agencies agree to invest the East Valley SELPA Board with the responsibility of designating an appropriate agency as the Responsible Local Agency (RLA) for the administration of the Local Plan and its implementation. The boards assure that the East Valley SELPA Board shall identify the need for and designate positions necessary for the operation of the East Valley SELPA functions according to this policy.

The governing boards of the local education agencies identify the importance of employment of program specialists to provide unique and necessary services to the agencies and to pupils in the East Valley SELPA. Program specialists shall provide the following services:

1. Observe, consult with, and assist, in accordance with local education agency procedures, special education teachers and support staff.
2. Utilize evidence-based data to plan programs, coordinate curricular resources and shared in the evaluation of the effectiveness of programs for children with disabilities.
3. Provide technical assistance to special and general education staff regarding program development and maintenance of special education instructional programs to meet federal and state mandates.
4. Facilitate and support the implementation of professional learning opportunities and both the regional and school-site level.
5. Assist districts to meet federal and state standards and special education reporting requirements.
6. Assist with analyzing data and recommend applicable modifications to curriculum and instructional strategies.
7. Provide coordination, consultation, and program development in one or more specialized areas of expertise.
8. Upon request, participate in and/or conduct IEP team meetings where technical assistance is needed.
9. Assist in developing training for parents and members of the Community Advisory Committee.
10. Provide in-service training and technical assistance for general and special education teachers, administrators, support staff and parents.

The governing boards of the local education agencies participating in the East Valley SELPA have agreed that students with disabilities will be provided with appropriate special education services. The East Valley SELPA Board has been designated the authority to determine the distribution of all federal and state special education funds in order for local education agencies to carry out their responsibilities.

The governing boards of the local education agencies agree to designate authority to the East Valley SELPA Board to approve the East Valley SELPA-wide annual service and budget plans and any subsequent modifications.

Roles of the RLA/AU, the SELPA administrator, and the individual LEAs associated with the SELPA Related to the hiring, supervision, evaluation, and discipline of the SELPA administrator and staff employed by the AU in support of the Local Plan [EC 56205(a)(12)(D)(ii)(I)]

The East Valley SELPA Board shall be responsible for the selection, direction, monitoring, discipline, and evaluation of the East Valley SELPA Chief Administrative Officer. The East Valley SELPA Board shall be assisted in the hiring and selection process by the Responsible Local Agency. It is understood that this includes responsibility for any allegations of violations arising under the federal and state equal employment law.

The East Valley SELPA Chief Administrative Officer is subject to the Responsible Local Agency's policies and the East Valley SELPA Chief Administrative Officer is subject to the Responsible Local Agency's policies and procedures for day-to-day operations, but receives direction from, and is responsible to, the East Valley SELPA Board. The East Valley SELPA Chief Administrative Officer is evaluated by the superintendents of the member

LEAs through a written document provided by the SBCSS Superintendent's office. The results are compiled, and a joint committee comprised of the Responsible Local Agency Superintendent and two other superintendents chosen by their peers from the East Valley SELPA Board meet with the East Valley SELPA Chief Administrative Officer to review the results and comments.

East Valley SELPA Staff

The East Valley SELPA Board shall be responsible for designating the staff to support the functioning of the East Valley SELPA. In reviewing and approving the East Valley SELPA budgets on an annual basis, the East Valley SELPA Board designates the staffing for the East Valley SELPA office upon recommendation of the East Valley SELPA Chief Administrative Officer.

East Valley SELPA staff shall be employed by the Responsible Local Agency and supervised by the East Valley SELPA Chief Administrative Officer according to the Responsible Local Agency's policy and practices. The East Valley SELPA Chief Administrative Officer shall use a selection process that is in accordance with the law and personnel policies of the Responsible Local Agency.

The supervision of East Valley SELPA staff will be determined by the East Valley SELPA Chief Administrative Officer. An organizational chart showing the staff to be supervised by the members of the East Valley SELPA management team will be provided to the governance committees annually.

Roles of the RLA/AU, the SELPA administrator, and the individual LEAs associated with the SELPA Related to the local method used to distribute federal and state funds to the SELPA RLA/AU and to LEAs within the SELPA [EC 56205(a)12(D) (ii)(II); EC 56195.7(i)]

All federal and state special education funds shall be allocated to the East Valley SELPA for distribution to local education agencies according to an approved Special Education Funding Allocation Plan. The East Valley SELPA Board shall make any changes to the allocation of federal and state special education funds. The East Valley SELPA Chief Administrative Officer is responsible to ensure that the funds are distributed in accordance with the funding allocation plan.

The governing boards of the local education agencies participating in the East Valley SELPA have agreed that students with disabilities will be provided with appropriate special education services. The East Valley SELPA Board has been designated the authority to determine the distribution of all federal and state special education funds in order for local education agencies to carry out their responsibilities. The East Valley SELPA shall be responsible for the distribution of the funds according to an approved Special Education Funding Allocation Plan. The East Valley SELPA Chief Administrative Officer is responsible to ensure that the funds are distributed in accordance with the funding allocation plan.

The fiscal Consultant shall develop the Annual Budget Plan for review and recommendation by the East Valley SELPA Steering Committee to the East Valley SELPA Board for approval. A public meeting shall be held annually to provide the Community Advisory Committee and members of the public the opportunity to review the Annual Budget Plan and Annual Services Plan and provide input to the East Valley SELPA Board Upon approval by the East Valley SELPA Board, these documents shall be submitted to the LEAs and the California Department of Education.

The RLA will be one of the participating parties as determined by vote of the East Valley SELPA Board. The RLA will receive and distribute Regional Services dollars; employ personnel necessary to staff the East Valley

SELPA; and assure compliance with state and federal program mandates through policies and guidelines formed by the East Valley SELPA Board. The RLA Superintendent will assure compliance with the Local Plan as submitted to the State Department of Education.

Roles of the RLA/AU, the SELPA administrator, and the individual LEAs associated with the SELPA Related to the operation of special education programs [EC 56205(a)(12)(D)(ii)(III)]

In addition, each agency shall cooperate to the maximum extent possible with other agencies to serve individuals with disabilities who cannot be served in the local education agency of residence programs. Such cooperation ensures that a range of program options is available throughout the East Valley SELPA.

Any participating local education agency may provide for the education of special education students in special education programs maintained by other districts or counties and may include within the special education program students who reside in other districts or counties.

The superintendents of each participating local education agency, or chief official in the case of a Charter School approved as a Local Educational Agency by the East Valley SELPA Board, shall be responsible for special education programs operated by the agency and for implementing all requirements of the Local Plan.

Local education agency boards shall:

1. Exercise authority over, assume responsibility for, and be fiscally accountable for special education programs operated by the agency.
2. By approving the Local Plan, enter into an Agreement for Participation (see Appendix B) with other local education agencies participating in the plan, for purpose of delivery of regional services and programs.
3. Provide a forum where needs can be assessed, issues can be raised, and suggestions for change and/or improvement can be discussed and recommendations for action can be made with respect to planning and provision of special education programs and services.

Roles of the RLA/AU, the SELPA administrator, and the individual LEAs associated with the SELPA Related to the monitoring the appropriate use of federal, state, and local funds allocated for special education programs [EC 56205(a)(12)(D)(ii)(IV)]

As it pertains to the appropriate use of federal, state, and local funds allocated for special education programs, the responsibilities of the superintendents include the following:

- Review, approve, and monitor all budgets assigned to the East Valley SELPA.
- Provide leadership to the East Valley SELPA regarding the development, revision, implementation, and review of the Local Plan.
- Review, approve, and monitor the allocation of special education funds to local education agencies.

It is the intent of the East Valley SELPA that the needs of students with disabilities as identified in the IEP shall be met. Funds allocated for special education programs shall be used for services to students with disabilities. Federal funds under Part B of IDEA may be used for the following activities:

1. For the costs of special education and related services and supplementary aids and services provided in a general education class or other education-related setting to a child with a disability in accordance with the IEP for the child, even if one or more non-disabled children benefit from these services.

2. To develop and implement a fully integrated and coordinated services system.

The East Valley SELPA Chief Administrative Officer, with the assistance of the Responsible Local Agency, shall be responsible to monitor on an annual basis the appropriate use of all funds allocated for special education programs. The East Valley SELPA Board through the Annual Budget Plan process shall make final determination and action regarding the appropriate use of special education funds.

Responsibilities of the East Valley SELPA to distribute specialized equipment and services that will minimize the necessity to serve students in isolated sites and maximize the opportunity to serve students in the least restrictive environment.

The East Valley SELPA Chief Administrative Officer shall serve on behalf of the member local education agencies and implement the Local Plan including the following regional services and operations:

- Coordination of the distribution and assignment of specialized equipment and services.
- Program specialists shall work collaboratively with member local educational agencies to provide support for the assessment of student needs for assistive technology or specialized equipment in the least restrictive environment.
- Specialized equipment and services will be provided at the site where the Individualized Education Program (IEP) team has determined provides the program where the student with a free and appropriate public education in the least restrictive environment.
- Development, facilitation and oversight of the East Valley SELPA Low Incidence Guidelines and Procedures describing how specialized equipment and services are distributed within the East Valley SELPA. This includes facilitating the development and approval of East Valley SELPA practices and procedures necessary to minimize the necessity to serve students in isolated sites and maximize the opportunities to serve students in the least restrictive environment.

The East Valley SELPA provides a full continuum of services to students with disabilities, including students in charter schools as well as alternative education, throughout the geographic region of the East Valley SELPA. Access to services is through each of the local education agencies. The referral, assessment and IEP process is utilized to identify the needs of each individual student with disabilities. The local education agencies have committed to policies and procedures to assure that students will have their rights to appropriate supplemental aids and services provided in the least restrictive environment. A student shall be referred for special educational instruction and services only after the resources of the general education program have been considered and where appropriate, utilized.

Any LEA initiating a transfer of educational programs and services already in operation within the East Valley SELPA shall follow appropriate Education Codes. In the event an LEA desires to initiate program or services transfers, a transfer planning committee made up of two East Valley SELPA governance/committee members and the East Valley SELPA Chief Administrative Officer shall be designated to address, at a minimum, all of the following: pupil needs, the availability of the full continuum of services to affected pupils, the functional continuation of the current IEPs of all affected pupils, the provision of service in the least restrictive environment from which affected pupils can benefit, the maintenance of appropriate support services, the assurance that there will be compliance with federal and state laws and regulations as well as East Valley SELPA policies, and the means through which parents and staff were represented in the planning process.

The day on which the transfer of programs will take effect may be no earlier than the first day of the second fiscal year beginning after the date on which the sending or receiving agency has informed the other agency and the East Valley SELPA Board, unless the East Valley SELPA Board unanimously approves the transfer take effect on the first day of the first year following the date of receipt of notification.

The approved East Valley SELPA guidelines for program transfer will be followed by East Valley SELPA staff as well as all affected agencies. Alternate dispute resolution pursuant to Education Code 56205 (d) will be utilized if either sending or receiving agency disagrees with the proposed transfer. All costs associated with due process actions will be paid by the agency initiating the program or service transfer.

SECTION II – POLICIES

Policies Statement

In accordance with State and Federal laws and regulations and as stated in the East Valley SELPA Local Plan, procedures addressing the following policies shall be on file at the Local Education Agency (LEA) and/or SELPA office. This Special Education Handbook was developed for this purpose and should be maintained by all LEA member districts within the East Valley SELPA.

The LEA Superintendent will administer the local implementation of these procedures, in accordance with State and Federal laws, rules and regulations, which will ensure full compliance.

EV Policy 1.01 – Free Appropriate Public Education (20 USC § 1412 (a)(1))

It shall be the policy of this LEA that a free appropriate public education is available to all children residing in the LEA between the ages of three through 21 inclusive, including students with disabilities who have been suspended or expelled from school.

EV Policy 1.02 – Full Educational Opportunity (20 USC § 1412 (a)(2))

It shall be the policy of this LEA that all pupils with disabilities have access to educational programs, nonacademic programs, and services available to non-disabled pupils.

EV Policy 1.03 – Child Find (20 USC § 1412 (a)(3))

It shall be the policy of this LEA that all children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located, and evaluated. A practical method is developed and implemented to determine which students with disabilities are currently receiving needed special education and related services.

EV Policy 1.04 – Individualized Education Program (IEP) and Individualized Family Service Plan (IFSP) (20 USC § 1412 (a)(4))

It shall be the policy of this LEA that an Individualized Education Program (IEP) or an Individualized Family Service Plan (IFSP) is developed, reviewed, and revised for each child with a disability who requires special education and related services in order to benefit from his/her individualized education program. It shall be the policy of this LEA that a review of an IEP will be conducted on at least an annual basis to review a student's progress and make appropriate revisions.

EV Policy 1.05 – Least Restrictive Environment (20 USC § 1412 (a)(5))

It shall be the policy of this LEA that to the maximum extent appropriate, children with disabilities, including

children in public or private institutions or other care facilities, are educated with children who are not disabled. Special class, separate schooling, or other removal of a student with disabilities from the general educational environment, occurs only when the nature or severity of the disability of the student is such that education in general classes with the use of supplemental aids and services cannot be achieved satisfactorily.

EV Policy 1.06 – Procedural Safeguards (20 USC § 1412 (a)(6))

It shall be the policy of this LEA that children with disabilities and their parents shall be afforded all procedural safeguards throughout the provision of a free appropriate public education including the identification, evaluation, and placement process.

EV Policy 1.07 – Evaluation (20 USC § 1412 (a)(7))

It shall be the policy of this LEA that a reassessment of a student with a disability shall be conducted at least once every three years or more frequently, if appropriate.

EV Policy 1.08 – Confidentiality (20 USC § 1412 (a)(8))

It shall be the policy of this LEA that the confidentiality of personally identifiable data information and records maintained by the LEA relating to children with disabilities and their parents and families shall be protected pursuant to the Family Educational Rights and Privacy Act (FERPA).

EV Policy 1.09 - Part C to Part B Transition (20 USC § 1412 (a)(9))

It shall be the policy of this LEA that a transition process for a child who is participating in Early Intervention Programs (IDEA, Part C) with an IFSP is begun prior to a toddler's third birthday. The transition process shall be smooth, timely and effective for the child and family.

EV Policy 1.10 – Private Schools (20 USC § 1412 (a)(10))

It shall be the policy of this LEA to assure that children with disabilities voluntarily enrolled by their parents in private schools shall receive appropriate special education and related services pursuant to LEA coordinated procedures. The proportionate amount of federal funds will be allocated for the purpose of providing special education services to children with disabilities voluntarily enrolled in private school by their parents.

EV Policy 1.11 - Local Compliance Assurances (20 USC § 1412 (a)(11))

It shall be the policy of this LEA that the local plan shall be adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs; and that the agency(ies) herein represented will meet all applicable requirements of state and federal laws and regulations, including compliance with the Individuals with Disabilities Education Act, the Federal Rehabilitation Act of 1973, Section 504 of Public Law and the provisions of the California Education Code, Part 30.

EV Policy 1.12 – Interagency (20 USC § 1412 (a)(12))

It shall be the policy of this LEA that interagency agreements or other mechanisms for interagency coordination are in effect to ensure services required for FAPE are provided, including the continuation of services during an interagency dispute resolution process.

EV Policy 1.13 - Governance (20 USC § 1412 (a)(13))

It shall be the policy of this LEA to support and comply with the provisions of the governance bodies and any necessary administrative support to implement the Local Plan. A final determination that an LEA is not eligible for assistance under this part will not be made without first affording that LEA with reasonable notice and an opportunity for a hearing through the State Educational Agency.

EV Policy 1.14 – Personnel Qualifications (20 USC § 1412 (a)(14))

It shall be the policy of this LEA to ensure that personnel providing special education related services meet the highly qualified requirements as defined under federal law, including that those personnel have the content knowledge and skills to serve children with disabilities.

This policy shall not be construed to create a right of action on behalf of an individual student for the failure of a particular LEA staff person to be highly qualified or to prevent a parent from filing a State complaint with the CDE about staff qualifications.

EV Policy 1.15 - Performance Goals & Indicators (20 USC § 1412 (a)(15))

It shall be the policy of this LEA to comply with the requirements of the performance goals and indicators developed by the CDE and provide data as required by the CDE.

EV Policy 1.16 - Participation in Assessments (20 USC § 1412 (a)(16))

It shall be the policy of this LEA that all students with disabilities shall participate in state and district-wide assessment programs. The IEP team determines how a student will access assessments with or without accommodations, or access alternate assessments, consistent with state standards governing such determinations.

EV Policy 1.17 – Supplementation of State and Federal Funds (20 USC § 1412 (a)(17))

It shall be the policy of this LEA to provide assurances that funds received from Part B of the IDEA will be expended in accordance with the applicable provisions of the IDEA; will be used to supplement and not to supplant state, local and other Federal funds.

EV Policy 1.18 – Maintenance of Effort (20 USC § 1412 (a)(18))

It shall be the policy of this LEA that federal funds will not be used to reduce the level of local funds and/or combined level of local and state funds expended for the education of children with disabilities except as provided in Federal law and regulations.

EV Policy 1.19 – Public Participation (20 USC § 1412 (a)(19))

It shall be the policy of this LEA that public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities are held prior to the adoption of any policies and/or regulations needed to comply with Part B of the IDEA.

EV Policy 1.20 – Suspension and Expulsion (20 USC § 1412 (a)(22))

The LEA assures that data on suspension and expulsion rates will be provided in a manner prescribed by the CDE. When indicated by data analysis, the LEA further assures that policies, procedures, and practices related to the development and implementation of the IEPs will be revised.

EV Policy 1.21 – Access to Instructional Materials (20 USC § 1412 (a)(23))

It shall be the policy of this LEA to provide instructional materials to blind students or other students with print disabilities in a timely manner according to the state adopted National Instructional Materials Accessibility Standard.

EV Policy 1.22 – Overidentification and Disproportionality (20 USC § 1412 (a)(24))

It shall be the policy of this LEA to prevent the inappropriate disproportionate representation by race and ethnicity of students with disabilities.

EV Policy 1.23 – Prohibition on Mandatory Medicine (20 USC § 1412 (a)(25))

It shall be the policy of this LEA to prohibit school personnel from requiring a student to obtain a prescription for a substance covered by the Controlled Substances Act as a condition of attending school or receiving a special education assessment and/or services.

SECTION III – REGIONAL OPERATIONS/ADMINISTRATIVE COORDINATION

EV Admin Coord 2.01 - Coordination of the SELPA and the Implementation of the Local Plan:

- Direct Instructional support provided by the program specialist: Not applicable.
- Role of the RLA/AU: SBCSS as the administrative unit of the East Valley SELPA assures the implementation of the Local Plan by accepting regionalized services and program specialist funds and the responsibilities that accompany them to fund the operations of the East Valley SELPA in accordance with directives of the East Valley SELPA Board of Directors.
- Role of the Administrator of the SELPA: The SELPA Administrator ensures that the Local Plan is implemented and makes recommendations to the East Valley SELPA Board of Directors when revisions are needed. This includes facilitating the development and approval of SELPA policies and procedures necessary to implement the Local Plan.
- Role of the individual LEAs: The member districts of the East Valley SELPA ensure a full continuum of services are available in order to provide a free and appropriate public education to all students with disabilities for whom they are responsible. The individual LEAs, through their representative to the Board of Directors, approve any policies and procedures needed to implement the Local Plan.

EV Admin Coord 2.02 - Coordinated System of Identification and Assessment:

- Direct Instructional support provided by the program specialist: The program specialists of the East Valley SELPA observe, consult and assist service providers.
- Role of the RLA/AU: Not applicable.
- Role of the Administrator of the SELPA: The SELPA Administrator ensures each LEA conducts child find activities. The SELPA provides technical support to LEAs and guidance to parents, as needed. The SELPA participates in child find activities by establishing policies and procedures for the member LEAs and ensures appropriate interagency agreements are in place.
- Role of the individual LEAs: The member districts of the East Valley SELPA are responsible for identifying and assessing all students for whom they are responsible.

EV Admin Coord 2.03 - Coordinated System of Procedural Safeguards:

- Direct Instructional support provided by the program specialist: The program specialists of the East Valley SELPA provide support for alternate dispute resolution activities within districts as requested by parents and districts. The program specialists also assure procedural safeguards by providing technical assistance and guidance on forms and procedures to LEAs in the areas of assessment, identification, services, and placement.
- Role of the RLA/AU: SBCSS assures a coordinated system of procedural safeguards by accepting regionalized services and program specialist funds and the responsibilities that accompany them to fund the operations of the East Valley SELPA.

- Role of the Administrator of the SELPA: The SELPA administrator ensures that parents and students are provided with a copy of their procedural safeguards upon request and maintains a copy of the procedural safeguards on the SELPA website. The SELPA Administrator oversees the provision of alternate dispute resolution activities as requested by parents and districts. The SELPA administrator also assures procedural safeguards by providing technical assistance and guidance on forms and procedures to LEAs in the areas of assessment, identification, services, and placement.
- Role of the individual LEAs: The member districts of the East Valley SELPA provide procedural safeguards to parents and students consistent with the education code, assist parents and students with understanding them, and ensures that they are implemented. The LEAs assist parents with filing complaints with the Office of Administrative Hearings when requested.

EV Admin Coord 2.04 - Coordinated System of Staff Development and Parent and Guardian Education:

- Direct Instructional support provided by the program specialist: The program specialists of the East Valley SELPA provide staff development, program development, and innovation of special methods and approaches.
- Role of the RLA/AU: SBCSS assures a coordinated system of staff development and parent and guardian education by accepting regionalized services and program specialist funds and the responsibilities that accompany them to fund the operations of the East Valley SELPA.
- Role of the Administrator of the SELPA: Regularly, the SELPA Administrator collects input from the member district special education directors and other staff members to determine staff development needs. The SELPA Administrator provides oversight in the development and provision of needed staff development and supports. On an annual basis, the East Valley SELPA Community Advisory Committee (CAC) provides input on parent/guardian education needs. The SELPA Administrator provides oversight in the development and provision of identified parent and guardian education.
- Role of the individual LEAs: The member districts of the East Valley SELPA determine their staff development and parent/guardian education, based on their local needs. They may seek technical assistance or input from the SELPA. They ensure the use of resources for employees to participate in staff development.

EV Admin Coord 2.05 - Coordinated System of Curriculum Development and Alignment with the Core Curriculum:

- Direct Instructional support provided by the program specialist: The program specialists of the East Valley SELPA identify and coordinate curricular resources for students with disabilities.
- Role of the RLA/AU: SBCSS assures a coordinated system of curriculum development and alignment with the core curriculum by accepting regionalized services and program specialist funds and the responsibilities that accompany them to fund the operations of the East Valley SELPA.
- Role of the Administrator of the SELPA: The SELPA Administrator provides technical assistance and staff development, as requested or determined appropriate, to assure a coordinated system of curriculum development and alignment with the core curriculum.
- Role of the individual LEAs: The member districts of the East Valley SELPA determine their needs for curriculum development and alignment with the core curriculum, based on their local needs.

EV Admin Coord 2.06 - Coordinated System Internal Program Review, Evaluation of the Effectiveness of the Local Plan, and Implementation of the Local Plan Accountability System:

- Direct Instructional support provided by the program specialist: When requested, the program specialist of the East Valley SELPA evaluate the effectiveness of programs for students with disabilities.
- Role of the RLA/AU: SBCSS assures a coordinated system of internal program review, evaluation of effectiveness of the Local Plan, and implementation of the Local Plan accountability system by accepting regionalized services and program specialist funds and the responsibilities that accompany them to fund the operations of the East Valley SELPA.
- Role of the Administrator of the SELPA: The SELPA Administrator ensures the Local Plan is reviewed and evaluated on an ongoing basis to determine the effectiveness of its implementation. The SELPA Administrator ensures the submission annually of all information required by CDE, in this effort, including statistical data, program information, and fiscal information related to programs and services for pupils with disabilities. The SELPA Administrator supports member districts in the collection of data related to compliance, due process procedures, availability of services, and key performance indicators, as needed.
- Role of the individual LEAs. The member districts of the East Valley SELPA individually review and monitor Annual Performance Reports, the California School Dashboard, and other data sources to ensure students with disabilities receive a free and appropriate public education. Individual LEAs will also engage in monitoring activities as required by the CDE.

EV Admin Coord 2.07 - Coordinated System of Data Collection and Management:

- Direct Instructional support provided by the program specialist: Not applicable.
- Role of the RLA/AU: SBCSS assures a coordinated system of data collection and management by accepting regionalized services and program specialist funds and the responsibilities that accompany them to fund the operations of the East Valley SELPA.
- Role of the Administrator of the SELPA: The SELPA Administrator approves and certifies the California Longitudinal Assessment and Pupil Data System (CALPADS) submission of each member LEA as required by the California Department of Education. The SELPA provides technical assistance and training to LEAs in data collection and management.
- Role of the individual LEAs: The member districts of the East Valley SELPA LEAs are responsible for data entry, quality and integrity. The LEAs approve and certify the California Longitudinal Assessment and Pupil Data System (CALPADS) submission as required by the California Department of Education.

EV Admin Coord 2.08 - Coordination of Interagency Agreements:

- Direct Instructional support provided by the program specialist: Not applicable,
- Role of the RLA/AU: SBCSS assures the coordination of interagency agreements by accepting regionalized services and program specialist funds and the responsibilities that accompany them to fund the operations of the East Valley SELPA.
- Role of the Administrator of the SELPA: The SELPA Administrator ensures that interagency agreements are in place as required by California Education Code and provides technical assistance and dispute resolution as needed. The SELPA Administrator, or designee, serves on committees as interagency agreements are being reviewed, revised, or developed.

- Role of the individual LEAs: The member districts of the East Valley SELPA through their representative to the Board of Directors approve and implement interagency agreements as appropriate.

EV Admin Coord 2.09 - Coordination of Services to Medical Facilities:

- Direct Instructional support provided by the program specialist: The program specialists of the East Valley SELPA when requested provide technical assistance to assure pupils have a full educational opportunity regardless of the district of residence or location of services provided.
- Role of the RLA/AU: SBCSS assures the coordination of services to medical facilities by accepting regionalized services and program specialist funds and the responsibilities that accompany them to fund the operations of the East Valley SELPA.
- Role of the Administrator of the SELPA: The SELPA administrator facilitates the coordination of services to medical facilities by the designated LEAs.
- Role of the individual LEAs: Individuals with exceptional needs who are placed in a public hospital, state licensed children's hospital, psychiatric hospital, proprietary hospital, or a health facility for medical purposes are the educational responsibility of the East Valley SELPA member district in which the hospital or facility is located.
- Per an MOU, the San Bernardino County Superintendent of Schools provides Home Hospital Instruction to Redlands USD students placed at Loma Linda Children's Hospital for 14 days or less; if the placement exceeds 14 days, Redlands USD is responsible for providing a teacher to continue Home Hospital Instruction.

EV Admin Coord 2.10 - Coordination of Services to Licensed Children's Institutions and Foster Family Homes:

- Direct Instructional support provided by the program specialist: The program specialists of the East Valley SELPA when requested provide technical assistance to assure pupils have a full educational opportunity regardless of the district of special education accountability.
- Role of the RLA/AU: SBCSS assures the coordination of services to licensed children's institutions and foster family homes by accepting regionalized services and program specialist funds and the responsibilities that accompany them to fund the operations of the East Valley SELPA.
- Role of the Administrator of the SELPA: The SELPA administrator facilitates the coordination of services to licensed children's institutions and foster family homes by the designated LEAs.
- Role of the individual LEAs: Special education services for students with disabilities residing in foster family homes or licensed children's institutions are the responsibility of the member district of the East Valley SELPA in which the foster family home or the licensed children's institution is located, unless based on education code there is another district of special education accountability which would be responsible.

EV Admin Coord 2.11 - Preparation and Transmission of Required Special Education Local Plan Area Reports:

- Direct Instructional support provided by the program specialist: Not applicable.

- Role of the RLA/AU: SBCSS assures the preparation and transmission of required special education local plan area reports by accepting regionalized services and program specialist funds and the responsibilities that accompany them to fund the operations of the East Valley SELPA.
- Role of the Administrator of the SELPA: The SELPA Administrator ensures timely transmission of required reports and provides technical assistance to LEAs in completing reports.
- Role of the individual LEAs: The member districts of the East Valley SELPA, individually, submit required data in order for the SELPA to submit timely reports.

EV Admin Coord 2.12 - Fiscal and Logistical Support of the CAC:

- Direct Instructional support provided by the program specialist: The program specialist of the East Valley SELPA provides training and logistical support to the CAC.
- Role of the RLA/AU: SBCSS assures the fiscal and logistical support of the CAC by accepting regionalized services and program specialist funds and the responsibilities that accompany them to fund the operations of the East Valley SELPA.
- Role of the Administrator of the SELPA: The SELPA Administrator ensures fiscal and logistical support for CAC meetings, events, and trainings.
- Role of the individual LEAs: The superintendents of the East Valley SELPA member districts through the Board of Directors ensure the SELPA has sufficient resources to provide fiscal and logistical support for the CAC. Special Education Directors of the East Valley SELPA member districts facilitate communication with their CAC representative(s) for this purpose.

EV Admin Coord 2.13 - Coordination of Transportation Services for Individuals with Exceptional Needs:

- Direct Instructional support provided by the program specialist: Not applicable.
- Role of the RLA/AU: SBCSS assures the coordination of transportation services for individuals with exceptional needs by accepting regionalized services and program specialist funds and the responsibilities that accompany them to fund the operations of the East Valley SELPA.
- Role of the Administrator of the SELPA: The SELPA Administrator provides guidance and technical assistance, as requested, in addressing questions regarding the provision of transportation services for individuals with exceptional needs.
- Role of the individual LEAs: Each member district of the East Valley SELPA is responsible for providing transportation for their students with disabilities as determined by their IEP teams.

EV Admin Coord 2.14 - Coordination of Career Vocational Education and Transition Services:

- Direct Instructional support provided by the program specialist: The program specialists of the East Valley SELPA provide staff development, program development, and innovation of special methods and approaches to LEA members for the provision of career and technical education and transition services.
- Role of the RLA/AU: SBCSS assures the coordination of career and vocational education and transition services by accepting regionalized services and program specialist funds and the responsibilities that accompany them to fund the operations of the East Valley SELPA.

- Role of the Administrator of the SELPA: The SELPA Administrator provides technical assistance and oversight of staff development to LEA members for the provision of career and technical education and transition services. The SELPA Administrator ensures appropriate interagency agreements are in place and facilitates connections to agencies, as appropriate.
- Role of the individual LEAs: Each member district of the East Valley SELPA provides appropriate career and vocational education and transition services as required under state and federal law.

EV Admin Coord 2.15 - Assurance of Full Educational Opportunity:

- Direct Instructional support provided by the program specialist: The program specialists of the East Valley SELPA provide technical assistance to assure pupils have a full educational opportunity regardless of the district of special education accountability.
- Role of the RLA/AU: SBCSS assures a full educational opportunity by accepting regionalized services and program specialist funds and the responsibilities that accompany them to fund the operations of the East Valley SELPA.
- Role of the Administrator of the SELPA: The SELPA Administrator ensures a full continuum of services is available and provided. The SELPA Administrator assists with Inter-SELPA Transfers, as needed. Additionally, the SELPA Administrator provides program development and technical assistance upon request or as determined to be needed by the SELPA to member districts and/or nonpublic schools.
- Role of the individual LEAs: Each member district of the East Valley SELPA, through their representative to the Board of Directors determines the regional programs needed to meet the needs of the students with disabilities within the SELPA. Additionally, each member district of the East Valley SELPA is responsible for providing a full continuum of services.

EV Admin Coord 2.16 - Fiscal Administration and the Allocation of State and Federal Funds pursuant to EC Section 56836.01:

- Direct Instructional support provided by the program specialist: Not applicable.
- Role of the RLA/AU: SBCSS provides the fiscal administration and distribution of state and federal funds to the SELPA.
- Role of the Administrator of the SELPA: The East Valley SELPA Administrator facilitates the distribution of funds in accordance with the Fiscal Allocation Plan. The SELPA Administrator also facilitates the development of the Annual Budget Plan.
- Role of the individual LEAs: Each member district of the East Valley SELPA through their representative to the Board of Directors approves the allocation of funds to the member LEAs and approves the Annual Budget Plan. The member districts also submit fiscal reports as required by state and federal laws.

EV Admin Coord 2.17 - Direct Instructional Program Support that maybe Provided by Program Specialist in Accordance with EC Section 56368:

- Direct Instructional support provided by the program specialist: The program specialists of the East Valley SELPA provide direct instructional program support when requested to do so by a member district.

- Role of the RLA/AU: SBCSS assures direct instructional program support that may be provided by program specialists by accepting regionalized services and program specialist funds and the responsibilities that accompany them to fund the operations of the East Valley SELPA.
- Role of the Administrator of the SELPA: The SELPA Administrator provides oversight in the provision of direct instructional support by programs specialists and provides technical assistance, as requested or determined appropriate.
- Role of the individual LEAs: The member districts of the East Valley SELPA determine their needs for instructional program support and request support from the East Valley SELPA.

SECTION IV – SERVICES

EV Services 3.01 - Programs for Early Childhood Special Education

Families whose infants or toddlers (from birth to three years of age) have a developmental delay or disability or an established risk condition with a high probability of resulting in a delay may be eligible to receive an "Early Start" in California. In the East Valley Special Education Local Plan Area, San Bernardino County Superintendent of Schools (SBCSS) provides Early Start services through centralized programs and Redlands USD provides Early Start services to infants within its geographic boundaries. Early Start services are typically provided for infants and toddlers with low incidence disabilities such as vision, hearing and orthopedic impairments or a combination of these disabilities.

The East Valley SELPA has an Early Start interagency agreement with the Inland Regional Center (IRC). Infants and toddlers residing in all of the East Valley SELPA districts, including Redlands USD, as well as Fontana Unified School District are provided with collaboration Early Start services via this interagency agreement. Until approximately 1989, Fontana USD was a member of the East Valley SELPA. When Fontana USD became its own SELPA, it contracted with SBCSS via the East Valley SELPA so that SBCSS would continue to serve infants and toddlers within Fontana USD's geographic boundaries. That agreement has been reviewed periodically and continues to be in place. The East Valley SELPA and its member districts along with Fontana USD collaborate regularly with IRC to ensure that the infant referrals for evaluation and/or services are properly addressed.

The member LEAs of the East Valley SELPA offer high-quality preschool programs that prepare children, ages 3 through 5 years old, to arrive in kindergarten with the foundational skills necessary for school success. These programs follow the California Early Learning and Development System as outlined in the "California Preschool Program Guidelines," California Department of Education, 2015.

Special day classes, small group instruction, and programs that build mobility skills and remedial speech and language instruction are among the many services available. Individualized Education Programs (IEPs) are developed for each student by a team that includes the child's parents or caregivers, private school teacher applicable, and the teachers, specialists, and administrators who will be working with the child.

EV Services 3.02 - Method by Which Members of the Public May Address Questions or Concerns to the SELPA

In the East Valley Special Education Local Plan Area, members of the public, including parents or guardians of students with disabilities who are receiving services under the Local Plan, may address questions or concerns to

the governing boards of the Local Educational Agencies (LEAs), the East Valley SELPA Board of Directors and the East Valley SELPA Chief Administrative Officer. Questions or concerns can be provided orally or in writing.

Members of the public may also present questions or concerns in person to the East Valley SELPA Board of Directors in a scheduled Board meeting pursuant to the Brown Act requirements for open public comment. All notices of East Valley SELPA Board of Director meetings are sent electronically to all member LEAs and posted at the East Valley SELPA office 72 hours prior to the scheduled meeting as well as on the East Valley SELPA website (eastvalleyselpa.org). The method by which questions and/or concerns are heard from the public to the East Valley SELPA Board of Directors is included on each agenda as "Community Comments." The public may address the East Valley SELPA Board of Directors pursuant to established procedures. No action shall be taken (E.C. 35145.5) at the meeting in response to Community Comments.

On matters of policy and budget development, all interested parties may provide input to the East Valley SELPA Chief Administrative Officer for consideration and review at any time, either orally or in writing. Additionally, the East Valley SELPA has a robust alternative dispute resolution program designed to address differences or conflicts from the school site level through the district level to ensure concerns are addressed with immediacy and to enhance the parent-school relationship. The program includes regularly scheduled trainings for parents, regular updates about the program and Community Advisory Committee meetings, and the availability of East Valley SELPA staff and an outside mediation consultant to serve as a go-between to ensure responsible LEA staff address parent concerns.

EV Services 3.03 - Dispute Resolution Process for Governance Activities Specified within the Local Plan

In the event of a dispute among local education agencies, local education agencies and the administrative unit, or local education agencies and the East Valley Special Education Local Plan Area, it is the intent of the East Valley SELPA Board of Directors that the matter be resolved at the lowest level possible within the East Valley SELPA governance structure as outlined in the Local Plan. Furthermore, if any local education agency disagrees with a decision or practice of another agency or the East Valley SELPA, that local education agency has a responsibility to discuss and attempt resolution of the disagreement with the party, or parties, directly involved. The parties involved will present the issues to their respective superintendents, or designees, who will attempt to resolve the matter. Resolution strategies such as compromise, mediation, and alternative dispute resolution may be employed. Either party may request the assistance of the East Valley SELPA Chief Administrative Officer, or his/her designee, or the Chair of the East Valley SELPA Board of Directors.

When issues cannot be resolved through discussion and resolution strategies, the Board of Directors may authorize the East Valley SELPA Chief Administrative Officer to contact appropriate experts to assist in the resolution. The parties will make a good faith effort to mutually agree to an authority with expertise related to the dispute. Each party shall bear its own costs and expenses and an equal share of any fees for dispute resolution.

This policy is intended to resolve disagreements within a reasonable period of time, but it is not intended to undermine local authority.

EV Services 3.04 - Consideration of and Utilization of the Regular Education Program Prior to Referral for Special Education Instruction and Services

The East Valley Special Education Local Plan Area Chief Administrative Officer, through the utilization of East Valley SELPA staff and through regular meetings of the East Valley SELPA Steering Committee identifies and

transmits information on resources, practices, and procedures to ensure a student referred for special education instruction and services has received instruction in the regular education program utilizing resources to ensure educational progress. Each LEA shall ensure that a pupil is referred for special educational instruction and services has received instruction in the regular education program utilizing resources to ensure educational progress. Each LEA shall ensure that a pupil is referred for special educational instruction and services only after the resources of the general education program have been considered and, where appropriate, utilized. Such resources may include, but are not limited to, response to intervention models, student success teams, early literacy programs, and remedial programs. Typically, this is a student intervention team (SIT) or student study team (SST) at a student's school site with the administrator of the school site ensuring that all general education resources and interventions of the general education program have been considered and, where appropriate, implemented without adequate student progress occurring before the team refers the student for assessment for special education eligibility.

EV Services 3.05 - Nonpublic School Placement and Oversight

The East Valley SELPA contracts with nonpublic, nonsectarian schools on behalf of the member districts. The SELPA coordinates with the California Department of Education to ensure oversight and compliance of nonpublic schools. The East Valley SELPA Program Manager for Regional Services ensures compliance with AB 1172 requirements which include verifying the provision of behavior training by nonpublic schools and oversight by local education agencies for pupils placed in nonpublic schools.

Each LEA shall evaluate the placement of its pupil(s) in such schools on at least an annual basis as part of the annual IEP review as well as conduct in-person school visitation . The LEA representative shall review the master contract, the individual services agreements, and the IEP to ensure that all services agreed upon and specified in the IEP are provided.

Nonpublic, nonsectarian schools are required by the master contract and the IEP to annually evaluate the pupils to determine if they are making appropriate educational progress. The LEA representative shall collaboratively review with the nonpublic, nonsectarian school the evaluations conducted by the nonpublic, nonsectarian school to ensure that they were appropriate and valid for measuring pupil progress. The LEA may choose to administer additional assessments as necessary, with parent consent where required, to determine whether the pupil is making adequate educational progress.

Additionally, the East Valley SELPA Board of Directors is provided with quarterly reports for all students served in nonpublic schools. These reports include the number of students in each facility, compliance with AB 1172 requirements, California Department of Education certification status, and current fiscal costs.

EV Services 3.06 - Provision of FAPE to Incarcerated Students Age 18 to 21 (or age 22 if not diploma bound) Who Remain Eligible for Special Education Services

Adults who are aged 18 to 21 years, who have not graduated with a high school diploma, who, at the time they turned 18 were identified as an individual with exceptional needs and had an individualized education program (IEP) under the IDEA, are also entitled to a FAPE (hereinafter referred to as "eligible adults"). This applies to adults incarcerated in California adult jails and prisons. However, an individual aged 18 through 21 years, who, in the educational placement prior to his or her incarceration in an adult correctional facility was not identified as an individual with exceptional needs or did not have an IEP under the IDEA, is not entitled to a FAPE.; Cal. Educ. Code, § 56040(b). For eligible adults the district of residence (DOR) shall be the local education agency (LEA) in which the eligible adult's parents resided when the student turned 18, unless an and until the parents move to

anew DOR, and unless the student's current district of residence (where the county jail is housed) indicates a desire to be the DOR if the student is currently enrolled in school.

The East Valley Special Education Local Plan Area Chief Administrative Officer provides and transmits information regarding eligible adults who are incarcerated in adult correctional facilities. Once the East Valley SELPA or LEA has been informed that an eligible adult is incarcerated in an adult correctional facility, the East Valley SELPA or the responsible LEA will determine within 30 days of eligibility notification whether the qualified individual requires a FAPE. And if so, the LEA will review and revise the individual's IEP as necessary, subject to the cooperation of the correctional facility where the eligible adults located.

To receive special education services while incarcerated, the student must consent to the receipt of the services which may include but are not limited to transition services, specialized academic instruction, and other services as determined by the IEP team. The student may revoke their consent for special education services at any time. In some situations, a student over the age of 18, who is legally an adult, may have a conservator who will continue to act on the student's behalf in regard to special education and related services. For conserved students, the DOR is based on the residence of the conservator.

SECTION V – FISCAL ALLOCATION PLAN

Statutory Requirement

California Education Law requires that a SELPA have a fiscal allocation plan to accompany its Local Plan that contains a methodology for distributing state and federal funds to the local education agency members of the SELPA.

E.C. 56195.7……. (i) For multidistrict special education local plan areas, a description of the policymaking process that shall include a description of the local method used to distribute state and federal funds among the local educational agencies in the special education local plan area. The local method to distribute funds shall be approved according to the policymaking process established consistent with subdivision (f) of Section 56001 and pursuant to paragraph (3) of subdivision (b) of Section 56205.

California's Master Plan for Special Education

The East Valley SELPA (EV SELPA) has used the following guidance from California's Master Plan for Special Education in the development of this fiscal allocation plan.

The objectives essential to the construction of an equitable finance plan for special education are as follows:

A. Provide adequate resources to assure equality of educational opportunity for all individuals with exceptional needs.

B. Provide levels of support for special education programs which will promote programs and services of equal quality.

C. Provide encouragement for the development of comprehensive programs.

D. Promote both program and fiscal accountability.

E. Clarify fiscal relationships between state, county, and district.

F. Ensure equity in support levels among various program components.

G. Provide adjustments in support levels to reflect changing costs.

H. Provide support based on needs of pupils enrolled in education (funding based on specified programs and services rather than on categorical disability groupings).

I. Ensure that reporting and auditing policies and procedures are meaningful for evaluation and program development.

J. Provide methods for monitoring and evaluating quality control in special education.

(California Master Plan for Special Education, California State Board of Education, Jan. 10, 1974)

Guiding Principles

The EV SELPA has adopted the following guiding principles:

A. SELPA members agree that all children with exceptional needs residing in this SELPA should be appropriately served.

B. In order to deliver appropriate services to all students, the SELPA members believe in everyone working together as a team for the good of all. The cooperation of the business offices and program departments is critical.

C. Fairness and equity shall be the basis of the development of this Fiscal Allocation Plan.

D. Federal and state revenues will flow directly from the state to the SELPA Administrative Unit which is the San Bernardino County Superintendent of Schools. In turn, the SELPA Administration will allocate the funds to SELPA members according to this Fiscal Allocation Plan.

E. SELPA member local educational agencies (LEAs) will retain their own decision making on how to use their funds in serving students with disabilities based on needs outlined in their Individualized Education Programs (IEPs).

F. This Fiscal Allocation Plan will be kept as simple as possible yet be flexible and useful in serving special education students.

G. The distribution of funding will be understandable, predictable, and timely.

H. SELPA members will commit to timely reporting and analysis of all relevant data necessary for the allocation and distribution of funds.

I. This Fiscal Allocation Plan will be in legal compliance with federal and state laws.

J. Disputes regarding this Funding Allocation Plan will be resolved at the lowest level possible with final appeal to the East Valley SELPA Board of Directors.

Revenue & Allocation (Funds Provided for Services to Students with Disabilities)

State Aide or AB 602 Funds

The California Department of Education provides AB 602 funding based on a rate per unit of Average Daily Attendance (ADA). Several funding sources contribute to the AB 602 funding model including district net funding entitlement (also known as the base), local special education property taxes, low incidence, and out-of-home care.

In addition, a SELPA may apply to the Extra-ordinary Cost Pool annually to offset costs. As part of AB 602 funding, the program reimburses SELPAs for extraordinary costs of single placements in nonpublic, nonsectarian schools (NPS), and special education and related services for pupils residing in licensed children's institutions

(LCI). Single placement costs in excess of the annual threshold amount are reimbursed but the funds are subject to availability and require annual application to be considered for the funds. The EV SELPA applies annually for the funds submitting single placement information as required for each member LEA that has an eligible single placement. If awarded, the funds are transferred to the member LEA(s) identified in the award letter based on the single placement information.

In accordance with Education Code 2572, local special education property tax revenues are allocated to special education programs. The proportionate share of property tax for the EV SELPA is included in the funded base AB602 calculation and allocated to districts based upon funded ADA. Districts receive their proportionate share of the property tax through the AB 602 fiscal allocation model, but the allocated property tax accounting transactions remain at San Bernardino County Superintendent of Schools (SBCSS) and are used in conjunction with the fees paid by districts participating in the SBCSS Fee-for Service regional programs.

Each member district receives its proportionate share of the AB 602 revenues based on the LEA's K-12 ADA percentage to the total K-12 ADA for all the SELPA members as stated in the steps below. The SELPA-members' allocation of the AB 602 funds is calculated by SELPA as follows:

Step 1 - The total amount of base AB 602 funds that the SELPA is entitled to receive will be determined by multiplying the greater of the current year, prior year, or prior year K-12 ADA by the statewide base rate per ADA. This will then be adjusted by adding authorized COLA on statewide factors as well as any supplements or re-certifications as authorized by the state.

Step 2 - Eighty-five percent (85%) of the total low incidence funds will be added proportionately for each district based on the district's low incidence pupil count of students with a primary or secondary low incidence disability the prior October (P-1 certification data). Fifteen percent (15%) of these funds is retained at the EV SELPA in the Low Incidence Fund and accessed by member districts per the "EV SELPA Low Incidence Guidelines and Procedures." The guidelines and procedures, which provide accountability of how the funds are used, are developed, and reviewed by the EV SELPA Low Incidence Committee consisting of representatives from the member districts and SBCSS.

Step 3 - One hundred percent (100%) of the out-of-home care funds described below provided for students residing in a licensed children's institution (LCI), Foster Family Home (FFH), public hospital, state licensed children's hospital, psychiatric hospital, proprietary hospital, or a health facility for medical purposes will be added for each district of residence based on the counts taken by and provided by CDE.

Step 4 - The sum of these steps will be each LEA's net AB 602 allocation.

State SELPA Regionalized Services and Program Specialist (RS/PS) Funds

The Base State Aid funding includes a regional services/program specialists apportionment (RS/PS Funds) to fund the SELPA operations. The state calculates this amount based on 2013-2014 rates with annual COLAs applied, when appropriate. The RS/PS funds are set aside to fund the SELPA operations.

Federal and State Grants

The following grant funds are added to each SELPA-member LEA's total revenue allocation:

- The Local Assistance Entitlement is a federal grant that funds special education programs for students age 3 to 21. Prior to 2018-2019, the grant was dispersed in two separate grants, the preschool Local Assistance Entitlement and Local Assistance Entitlement. The Local Assistance Entitlement is distributed to SELPA-member LEAs based on their prior year age 3- to 21-year- old special education pupil count.

- The SELPA calculates the required Private School Proportionate Share for each LEA member based on the federal formula. The LEA must utilize these funds for the provision of special education services to or on behalf of students with disabilities enrolled in private schools. Funds must be expended within the time period of the current grant award.
- The SELPA receives four federal grants to fund preschool/infant services: The Federal Preschool Grant, the Infant/Preschool Staff Development Grant, the Part C Early Intervention Grant, and the Infant Discretionary Grant. The Federal Preschool Grant funds are distributed to the SELPA-member LEAs and SBCSS based on their prior year 3- to 5-year-old special education pupil count. The EV SELPA retains 5% of the Preschool Grant to fund regionalized services and program specialist services to support preschool services in all of its member districts. The Part C Early Intervention Grant funds are distributed to the SELPA-member LEAs and SBCSS based on their prior year 3- to 5-year-old special education pupil count. The Infant Discretionary Grant is split between SBCSS EV-Ops (80%) and Redlands (20%).
- The SELPA receives two sources to fund mental health services. One grant is a federal grant, the Mental Health Services grant. The other is state funding via AB 114. The federal grant is funded based on 3- to 21-year-old pupils and distributed to SELPA-member LEAs based on their prior year age 3- to 21-year-old special education pupil count. It is provided in installments as determined by CDE and distributed to SELPA member LEAs based on prior year P-2 counts of 6-21-year-old pupils.

Infant Program Entitlement

The California Department of Education makes available funds to SELPAs to fund infant programs based on units initially allocated to programs in a 1986 mandate (30 EC 56425). Budget Acts since have not provided a growth appropriation for the Infant Program. The Infant Program Entitlement is split between SBCSS EV-Ops (80%) and Redlands (20%). In addition, SBCSS EV-Ops provides infant program services to Fontana Unified School District based on an agreement between EV-Ops and Fontana USD established when Fontana USD became a single-district SELPA and left the EV SELPA. Fontana USD reimburses EV-Ops for the services.

The AB 602 funds and Federal/State Grant funds combine to make the TOTAL REVENUE and its ALLOCATION for the EAST VALLEY SELPA and its member districts.

Expenditures (Shared Costs to Provide Services to Students with Disabilities)

SELPA Administrative, Regionalized and Program Specialist Services

Each SELPA is required to dedicate a portion of the funds it receives pursuant to Section 56836.10 for regionalized operations and services and the direct instructional support of program specialists. The SELPA Administration provides both legally required services and those services designated by the East Valley SELPA Board of Directors. As described above the Base State Aid funding includes a regional services/program specialists apportionment to fund the SELPA operations. The state calculates this amount based on 2012-2013 rates with annual COLAs, when provided. In addition, the East Valley SELPA Board of Directors has authorized a percentage of the Base State Aide be taken off-the-top to adequately fund the SELPA operations. In 2020-2021 that percentage is 1.46%. The percentage is re-evaluated and approved annually by the SELPA Board of Directors.

Student Information System/SEIS

The East Valley SELPA contracts with San Joaquin County Office of Education for the development and maintenance of the Special Education Information System (SEIS) and IEP forms, as well as the development and

maintenance of software required for member districts to submit student data to CALPADS and to monitor compliance.

SELPA Off-the-Top Regional Programs

The East Valley SELPA Board of Directors has authorized SELPA Off-the-Top Regional Programs to support services to students in member districts. As of the 2024-2025 school year, this program is the Residential Mental Health Oversight. This program is funded using the following off-the-top methodology.

- Funding is provided by member districts to the SELPA from State Base Aid prior to distribution of the base aid to districts (i.e., off-the-top).
- Total costs are calculated from the staffing costs for the program.
- Percentage applied based on the LEA's K-12 ADA percentage to the total K-12 ADA for the SELPA.

SELPA Proportionate Share Regional Programs

The East Valley SELPA Board of Directors has authorized SELPA Proportionate Share Regional Programs to provide direct services to students in member districts. As of 2020-2021, those programs are Mental Health Behavioral Counseling, Occupational Therapy, and Physical Therapy/Low Incidence Assessments.

- The SELPA Proportionate Share Occupational Therapy Program is funded as follows:
  - Funding is provided by member districts to the SELPA from State Base Aid prior to distribution of the base aid to districts (i.e., off-the-top).
  - Total costs are calculated from the staffing costs for the program.
  - Service counts are taken in November and April.
- The SELPA Proportionate Share Mental Health Behavior Counseling and Physical Therapy/Low Incidence Assessment Programs are funded as follows:
  - Funding is provided by member districts to the SELPA from all special education revenue sources (i.e., State Base Aid, Federal Grants, District Contributions) after distribution of the funds to districts.
  - Total costs are calculated from the staffing costs for the programs.
  - Service counts are taken in November and April.

San Bernardino County Superintendent of Schools – East Valley Operations (SBCSS EV-Ops) Fee-for-Service Regional Programs

San Bernardino County Superintendent of Schools East Valley Operations (SBCSS EV-Ops) operates a regional program to address specialized student program needs for the member districts of the EV SELPA. Regional program placement and services are provided at the request of member districts based on student individual education program (IEP) decisions. Districts follow the required procedures contained in the San Bernardino County Superintendent of Schools COUNTY REFERRAL documents to place students in or receive services from the SBCSS EV-Ops FFS Regional Program.

The SBCSS EV-Ops regional program is funded via a Fee-for-Service mechanism. Rates are set for the following:

- SBCSS EV-Ops Rate Categories:

- SDC Inclusive (SAI, LSH, APE, SHL, VOC – all related to high school transition)
- DHH
- VI Inclusive (Visual Itinerant and Braille)
- O&M
- 1:1 Aide Services
- Intensive Therapeutic (Behavior Counseling)

The Fee-for-Service Rates for each category are presented annually by April 15 to the EV SELPA Steering Committee by SBCSS fiscal staff to determine future year's costs. Recommendations to set the annual Fee-for-Service costs are submitted to the Board of Directors to take action each May for the following year. SBCSS EV-Ops revenue projections are based on revenue being distributed to SBCSS from the SELPA-wide AB 602 K-12 revenue PRIOR TO any per ADA distribution to LEAs (i.e., "off the top"). The Fee-for-Service revenue funds the programs at 100% of the cost of operation.

Proposed or Modified Regional Program Requirements

SBCSS EV-Ops, EV SELPA, or any member district of the EV SELPA may propose to operate another specialized regional program but must adhere to the approved budget, program design, including staff: student ratio, daily/annual length of operation, curriculum, support systems/support staff, and staff development as prescribed under the East Valley SELPA Local Plan. In addition, any current regional program may be proposed for program modification by the program operator. Both newly proposed and modified regional programs must be reviewed annually by March 15 by the EV SELPA Steering Committee. Any proposed changes must be brought before the EV SELPA Board of Directors following the East Valley SELPA Regional Programs Policy and Procedures: Opening, Transferring & Closing Programs.

Nonpublic School (NPS) Costs

The EV SELPA, on behalf of its member districts, contracts with nonpublic schools (NPS) and residential facilities. NPS expenditures are brokered through the SELPA office and via the regional Inland Empire SELPA Association (IESA). In addition, the EV SELPA processes all related invoices and provides payments on behalf of its member districts. NPS contract costs for tuition, mental health services and residential placements, per the students' IEPs, are paid by the EV SELPA on behalf of the districts. The EV SELPA bills the districts on a quarterly basis for all actual costs paid. The EV SELPA reports the quarterly billing transfers in regularly scheduled EV SELPA Steering Committee meetings.

East Valley SELPA Legal Fund

The EV SELPA Board of Directors authorizes the EV SELPA to create, maintain and monitor a legal fund for specific costs resulting from Office of Administrative Hearing filings. The legal fund costs are shared by the member districts based on current year October special education pupil count. The specific legal support related costs are detailed in the EV SELPA Board of Directors approved document entitled, "Funded by EV SELPA Legal X-Pot/Funded by District."

California Children's Services (CCS) – Medical Therapy Units (MTUs)

Chapter 26.5 of the Government Code (Section 7570-7587) and Title 2 of the California Code of Regulations, Division 9, Chapter 1, Article 1, sections 60000-60610 requires the SELPA and its member districts provide

support to CCS medical therapy units (MTU) housed in the East Valley region. Expenditures include office supplies, facilities related maintenance costs, including janitorial, and utilities. The fund is maintained by district annual contributions based on current year October special education pupil count.

Intra/Inter SELPA Transfers and Services

Member districts of the EV SELPA may elect to engage in an interagency transfer agreement for the provision of special education services to a student with a disability in a setting outside of the student's LEA and/or SELPA of residence. A transfer between districts within the EV SELPA is an intra-SELPA transfer, and a transfer to between SELPAs is an inter-SELPA transfer. To do so, the East Valley SELPA "Intra-SELPA/Inter-SELPA Transfer Agreement" procedures must be followed. These procedures require the SELPA administrator's approval. Costs are determined based on respective fee-for-service rates established by the service provider and charged to the district of residence at year-end via a cash transfer.

Monitoring the Appropriate Use of State Aid, Federal & State Grants

IDEA Local Assistance Funding Federal Restrictions and Requirements

The IDEA sets forth specific restrictions on the use of federal funds. These restrictions have been included in the elements of this allocation plan.

§ 1413 (a) (2) defines a local educational agency's eligibility for use of federal special education funds. In general amounts provided to the local educational agency under this subchapter shall be expended in accordance with the applicable provisions of this subchapter and—

- shall be used only to pay the excess costs of providing special education and related services to children with disabilities.
- shall be used to supplement State, local, and other Federal funds and not to supplant such funds; and
- shall not be used, except as provided in subparagraphs (B) and (C), to reduce the level of expenditures for the education of children with disabilities made by the local educational agency from local funds below the level of those expenditures for the preceding fiscal year.

Maintenance of Effort (MOE) Policy

The EV SELPA recognizes the intent of the federally mandated maintenance of effort (MOE) requirement to ensure the provision of appropriate services for students with disabilities. In signing the Local Plan, the governing board of each East Valley SELPA local education agency (LEA) has adopted an assurance statement regarding the maintenance of local financial effort relative to the receipt of federal special education funds. Pursuant to these locally adopted assurance statements, it is the expectation that all local education agencies (both combined as a whole and as individual LEA members) of the SELPA shall meet the maintenance of effort requirement on each fiscal year.

MOE regulations require that federal funds be used only to pay the excess costs of providing special education and related services to children with disabilities and to supplement and not supplant state and local funds for special education (34 Code of Federal Regulations §300.203- 300.205). CDE monitors MOE compliance based on each SELPA's and member districts' individual and aggregated fiscal data. MOE compliance is met if total special education expenditures from State and Local funds are at least equal to, or greater than, prior year. The EV SELPA and its member districts will follow the procedures outlined in the EV SELPA Fiscal Procedures Handbook to determine MOE compliance.

Annual Budget Plan

The EV SELPA is required to develop a SELPA Annual Budget Plan each spring. The Plan must be displayed at a public hearing, approved by the EV SELPA Board of Directors, provided to CDE by June 30 of each year, and posted on the SELPA and each member districts' websites. The SELPA Annual Budget Plan shall include allocation projections for all SELPA-member LEAs. Based on those projections, budget plans are developed by each LEA for both current year and budget year expenditures for all federal, state, SELPA, and LEA funds provided for special education. Aggregated SELPA information shall be presented in a form that is understandable to the general public.

SELPA Budget Development

The EV SELPA Board of Directors requires the development and approval of a SELPA operating budget annually. The following procedure is adhered to in making changes to the budgetary allocations:

First Step: The EV SELPA fiscal consultant in collaboration with the EV SELPA administrator develops a proposed budget based on budget assumptions provided by the SELPA's administrative unit, SBCSS.

Second Step: The EV SELPA Board of Directors Budget Ad Hoc Committee, made up of two Board members appointed by the Board at the regularly scheduled February meeting, reviews and advises the SELPA on the budget requesting any needed revisions.

Third Step: The EV SELPA Board of Directors Budget Ad Hoc Committee recommends the budget for approval to the EV SELPA Board of Directors at a regularly scheduled meeting in the spring prior to the upcoming school year.

Fourth Step: The EV SELPA Board of Directors formally takes action on the proposed budget at a regularly scheduled meeting in the spring prior to the upcoming school year.

Distribution of Assets

Withdrawal from membership of the East Valley SELPA shall not entitle a member LEA to any partition of the property held by the East Valley SELPA or return of contributions toward the acquisition of such property.

CHAPTER II – PROCEDURAL SAFEGUARDS, EDUCATIONAL RIGHTS HOLDER, & RESIDENCY

SECTION I – PARENT RIGHTS

Overview

The Individuals with Disabilities Education Act (IDEA) requires that local education agencies (LEAs) consider the procedural safeguards afforded to parents of students with disabilities. The safeguards are intended to give parents a meaningful opportunity to participate in the decision-making process of their child's education.

A copy of the EV SELPA Parent Rights and Procedural Safeguards are available via the following links.

Click here for English

Click here for Spanish

Transfer of Parental Rights at Age of Majority

The Individuals with Disabilities Education Act (IDEA) gives states the authority to transfer educational decision-making rights to students who receive special education services at the age of majority. This is the case in California. The following apply:

A. Beginning at least one year before a student reaches the age of majority, the student's Individualized Education Program (IEP) must include a statement that the student has been informed of his or her rights and responsibilities under IDEA.

B. All of the educational rights provided to the parents transfer to the student when he or she reaches the age of majority.

These educational rights may include the right to:

A. receive notice of and attend Individualized Education Program (IEP) meetings

B. consent to reevaluation

C. consent to change of placement

D. request for mediation or a due process hearing to resolve a dispute about evaluation, identification, eligibility, IEP, placement, or other aspects of a free appropriate public education (FAPE)

SECTION II – DETERMINING THE EDUCATION RIGHTS HOLDER

In the state of California identifies the biological or adoptive parent is presumed to be the "Holder of Education Rights" for their child.

Per the IDEA §300.30, parent means:

- A biological or adoptive parent of a child
- A foster parent, unless State law, regulations, or contractual obligations with a State or local entity prohibit a foster parent from acting as a parent
- A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the State)

- An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or
- A surrogate parent who has been appointed in accordance with §300.519.

The following section address the exceptions a school district may encounter when determining the education rights holder.

Joint Custody

IDEA and state special education laws and regulations clearly describe parental rights and the school district's duty to meet them. Most rights are unchanged by divorce. The divorce decree, the legal document describing the individual parent's obligations after the marriage ends, should clearly define the relationship among the parents, their child, and the education system. The IDEA focuses on the procedural safeguards afforded to parents of special needs students and their intent to give parents a meaningful opportunity to participate in the decision-making process of their child's education. Congress never intended to deny a noncustodial parent the right to ensure his or her child is receiving a FAPE. The Office of Special Education Programs (OSEP) acknowledges that disputes between parents who share the right to make educational decision for their child, and who disagree about the provision of special education and related services for their child, may place a LEA in a difficult decision.

Married, divorced, separated, or never-married parents may disagree. Their issues regarding divorce decrees, custody orders, separation agreements, restraining orders, and relevant state statutes should be addressed in family law, which is vested in state law. LEAs can get caught between family law decisions and the IDEA, which requires that both parents of a special needs child be afforded ALL of their rights under the IDEA, UNLESS these rights are altered by a specific provision in the custody order, issued by the state court (71 Fed. Reg. 46,568 [2006]).

A. The IDEA requires parental consent for evaluations, eligibility, initial placement of the child, change in placement as well as parental participation in notice, attendance at IEP meetings, access to student records, and the right to file for mediation/due process.

B. Legal custody is defined as the parent or guardian who has decision-making authority, including education, and is responsible for the care, control, and maintenance of a child (Black's Law Dictionary, 9th ed. 2009). When questions arise over who has legal custody, it is recommended that the LEA obtain current copies of the family court order as it or the divorce decree will typically set forth whether: legal custody of the child is sole or joint. Joint legal custody means that both parents keep the right to make important decisions about their children's education, health care, and religious training. Under joint legal custody, unless the decree is written differently, both parents have the right to:

    1. Receive written notice of special education meetings to each parent who has legal custody of the child and has provided the school with an address. (34 C.F.R. § 300.322(a); EC §56304 & 56341.5.)
    2. Afforded an opportunity to participate in meetings with respect to the identification, evaluation, and educational placement of the child, and the provision of FAPE to the child. (34 C.F.R. §300.501(a); EC §56500.4.)
    3. Exercise their due process rights
    4. Receive progress reports
    5. Have the chance to agree or disagree with plans for initial evaluation and placement in special education

If the parents have joint legal custody but only one parent has physical custody, both parents would keep the rights to receive information, see records, and make decisions regarding special education UNLESS the parent no longer has that right pursuant to state law or court order (34 CFR§99.4 & 300.613). Where one parent has sole legal custody, the non-custodial parent still retains the right to access the child's school records (34 CFR§99.4 & 300.613). Under the IDEA, there is no requirement that written consent [on an assessment plan or IEP] be provided by both parents. LEAs typically only require the signature of one parent. When parents are divorced or separated, it is important for the LEA to check the court order and not assume they are compliant if they have the consent of one parent.

If joint custody, look for details regarding each parent's right to make educational decisions. It is also recommended that LEAs maintain a policy as part of the enrollment process that requires parents to provide current copies of family court order such as divorce decrees, custody orders, separation agreements, and restraining orders. A domestic violence restraining order may designate custody arrangements, preclude or limit contact with a student or the other parent, and/or further restrict one parent from school grounds.

If there is no court order, go back to the basic proposition that both parents of a child with special education needs must be afforded all of their rights under IDEA. Both parents are permitted to participate in the IEP team meeting, even if one parent has sole custody UNLESS there is a court order precluding a parent from participating in a child's education or otherwise barring the parent from school grounds. If a parent has educational decision-making authority but there is a court order precluding a parent from participating in a child's education or barring the parent from school, consider getting parent input via the telephone and/or convening two meetings. Without consent from both parents, a LEA would be hard pressed to classify and provide a special education program for a child (see Machado presentation at LRP Conference, 2014).

If parents are in so much conflict that they are unable to work on behalf of the child in the special education process, either parent has the option of consulting an attorney about returning to court to ask that the divorce decree be altered.

Caregiver Affidavit

A form completed through the Child Welfare and Attendance (CWA) Office of the school district documents when a caregiver assumes responsibility for a student when the child or youth resides with them. Per Family Code Section 6550(a-d), a pupil may attend a district in which he or she lives with a caregiver so long as the Caregiver Affidavit is submitted with the required information. Any adult caregiver who completes the affidavit may enroll the minor in school and provide consent to school- related medical care on behalf of the minor. Anyone over 18 who fills-out items 1-4 and signs the affidavit can be a caregiver. However, only qualifying family members are able to authorize any non-school related medical care and must complete items 5-8 on the form. The caregiver is responsible for notifying the school if the minor stops living with them, thereby making the affidavit invalid. A person relying on the affidavit has no obligation to make any further inquiry or investigation, but schools may conduct residency investigations or ask for verification.

Surrogate Parent

A surrogate parent is an adult appointed by a local educational agency (LEA) or special education local plan area (SELPA) as ordered by the courts to represent a pupil (aged 0-21) for the purpose of their individual education program (IEP) to ensure that the rights of the pupil to a free appropriate public education are protected (when the biological parents cannot be found, or the courts have removed their educational rights and have not assigned them to another). Contact the EV SELPA at 909-252-4507 or evselpa@sbcss.net for more details.

SECTION III – RESIDENCY

Most students with disabilities reside at home with their parents and utilize the standard enrollment procedures for the district in which they reside. The school district where the parent resides is responsible for the provision of special education services.

Residency is defined as the place one remains when not called elsewhere for labor or other temporary purposes. There can only be one residence. Residence cannot be lost until another is gained. Residence can be changed only by the union of act and intent. Unmarried minor's residence is residence of parent with whom child shares place of abode and cannot be changed by minor's own act. Married persons have the right to retain legal residence in California notwithstanding legal residence or domicile of spouse (Government Code §244).

A district must annually verify parents' address and student's residence (Title 5 California Code of Regulations §432). There is no guidance in law regarding sufficient proof of residency. Typically, districts ask for tax bills, gas/electric bills, cancelled check with name and property address, voter registration, DMV registration, lease/rental agreement, bills mailed to residence, or affidavits of residency. A residency investigation may be done for residency, residency based on parent employment, and/or residency based on caregiver affidavit. A district employee or private investigator can conduct a residency investigation. There are limitations on the investigation (e.g., investigator cannot demand or force entry into home but may request to inspect residence).

The LEA responsible for the provision of special education services may change if a student is attending based upon an approved inter-district transfer under district of choice or employment; (2) homeless; (3) an emancipated minor; (4) living with someone with a caregiver affidavit on file; (5) placed in a hospital, (6) in residential placement per an individualized education program (IEP); (7) placed in a foster home or licensed children's institution; (8) residing in multiple residences due to joint custody,(9) placement in juvenile hall; and/or (10) an eligible youth incarcerated in a county jail or prison.

Determination of residence for the purpose of special education responsibility.

Inter-District Transfer Request

An inter-district transfer request can be activated via district of choice or employment.

A. District of Choice Senate Bill 680 and Education Code Section 48301 allows any school district to elect District of Choice status. It prohibits denial of transfer requests on the basis of cost but allows limit on number of transfers out if negative budget certification or for fiscal stability.

B. Residency based on employment in the district may deem a pupil to be a resident if the parent or legal guardian of the pupil is – physically employed within district boundaries (EC §48204(b)). The district has discretion to deny or approve a transfer based on employment. Districts may not refuse to admit pupils based on race, ethnicity, sex, parental income, scholastic achievement, or any other arbitrary consideration (EC §48204(b)(1)). Districts may consider a pupil's discipline history or behavior but not the pupil's grade point average or special education status. Either the sending or receiving district may prohibit transfer of the pupil if the governing board determines that the transfer would negatively impact a court-ordered or voluntary desegregation plan of the district (EC §48204(b)(2)).

C. The following apply:

   1. The Office of Civil Rights has determined that it is unlawful discrimination for school districts to prohibit the transfer of special education students because the cost of educating the pupil would exceed the amount of additional state aid received. However, districts may deny a student's request because a new program or service would have to be created.

2. Once admitted, the pupil's residency can only be revoked if the parent/guardian is no longer physically employed in the district (EC§48204(b)(7)). An annual reapplication is not required but the district can verify that the parent/guardian is still employed in the district.

Homeless

Homeless pupils are defined as those who lack fixed, regular, and adequate nighttime residence including those (a) sharing housing due to loss of income, economic hardship or similar reasons; (b) living in motels, hotels, trailer parks, campgrounds due to lack of adequate alternative accommodations; (c) living in cars, parks, public spaces, abandoned buildings, bus or train stations; (d) emergency or transitional shelters; (e) abandoned in hospitals; (f) awaiting foster care placement, and (g) migratory children. The McKinney-Vento Homeless Assistance Act (Federal Las 42 USC Section 11432, et seq.) requires a local education agency to provide continuous and uninterrupted education to homeless children in the student's school of origin for the duration of their homelessness OR for remainder of academic year if pupil becomes permanently housed during the academic year UNLESS this is not in the pupil's best interest. The school of origin is defined as the school the pupil attended when permanently housed or the school in which the pupil was last enrolled.

Emancipated Minor

In many countries when a child reaches the age of majority — often 18 years old — he or she is said to be fully emancipated from parental control. This means that he or she can enjoy all the privileges and responsibilities of adulthood, such as voting, marriage and financial independence. An emancipated minor is a child who has been granted the status of adulthood by a court order or other formal arrangement. This status is not automatically bestowed on minors who have simply moved away from their parents' homes. The majority of legally emancipated minors are working teenagers who have demonstrated the ability to support themselves financially. For example, a professional actress or musician who is at least 14 years old is more likely to be considered an emancipated minor than a runaway who works part-time for minimum wage.

A minor who has been emancipated in California does not need parental approval to move out and live where he wants, or to apply for jobs or college courses. Though parental consent is needed, getting married and joining the military are two circumstances that grant immediate emancipation status to minors in California. Once a minor is emancipated, his or her parents do not have custody or control of him or her anymore and they can do some things without parental permission, including get medical care, apply for a work permit, and sign up for school or college. However, an emancipated minor must go to school, must get parental permission before getting married, and will go to juvenile court if they break the law.

Hospital Setting

Due to medical need, some students receive special education programs and related services in a hospital environment. The district in which the hospital resides is responsible for providing or contracting for special education services.

Residential Placement via the Individualized Education Program (IEP)

A residential facility is a nonsectarian school where a student with emotional disability resides on a 24-hour basis and receives special education and related services at the school. When the residential placement is offered as necessary for a student to receive a Free Appropriate Public Education (FAPE), the district where the parent resides is responsible for the special education services received by the student, no matter where the residential facility is located (in or out of state). Should the parent of the student move during the school year, the district that

placed the student residentially through the IEP process shall be financially responsible for the remainder of the school year, including extended school year. Should a LEA decide on residential placement outside of the SELPA adopted procedures, it shall be responsible for both the education and residential costs.

Residential Placement by an Outside Agency

The Department of Social Services has the responsibility to remove a child from their home under conditions associated with child abuse and/or neglect. The Department of Probation, in conjunction with a court order and work with the District Attorney, can place a student into a residential setting. The Regional Center also has the ability to place a student with significant cognitive and behavioral challenges into a residential upon the request of the parents. A child may be placed in a foster home or a Licensed Children's Institution (LCI).

Foster Family Home

A Foster Family Home (FFH) or a home certified by a Foster Family Agency (FFA) is a family residence which is licensed by the state, or other public agency, to provide 24- hour nonmedical care and supervision for not more than six foster children, including, but not limited to individuals with exceptional needs. AB 490 (State law Chapter 862, Statutes of 2003) strongly favors educating pupils in foster care in their school of origin. If a dispute over placement arises, the pupil may remain in the school of origin until the dispute is resolved. The local education agency must designate an educational liaison for foster children. If the liaison and parent/ guardian agree to placement other than school of origin, the pupil must be enrolled in the new placement immediately.

An FFH/FFA staff member is responsible for enrolling the child in the district in which they reside. Enrollment data should include all relevant contact information for the student, including who holds educational decision-making rights. The pupil must be enrolled even if the records normally required cannot be produced. The district in which the foster home is located is responsible for providing or contracting for special education services.

AB 216, effective September 2013, placed new notification requirements and timelines on LEAs aimed at protecting pupils in foster care. If a pupil in foster care transfers between schools after the pupil's second year of high school (determined either by credit completion or duration), the pupil must be exempted from district coursework and other requirements that are in addition to statewide requirements, unless the school district determines that the pupil is reasonably able to complete the additional local graduation requirements in time to graduate from high school by the end of the pupil's fourth year. A LEA may not require a pupil to accept the exemption and may not deny the pupil enrollment in courses for which he or she is otherwise eligible. The LEA must give pupils in foster care the option of completing a fifth year of high school, if desired, in order to satisfy the local graduation requirements. If a pupil is exempt from local requirements, then completes statewide coursework before the end of his or her fourth year, the LEA may not require or request that the pupil graduate early. Once granted, an exemption may not be revoked or terminated, even if the pupil is no longer under the court's jurisdiction.

Licensed Children's Institution (LCI)

A LCI is a residential facility (such as a group home) which is licensed by the state, or other public agency, to provide nonmedical care to children, including, but not limited to, individuals with exceptional needs. AB 490 (State law Chapter 862, Statutes of 2003) strongly favors educating pupils in LCI in school of origin. If a dispute over placement arises, the pupil may remain in the school of origin until the dispute is resolved. The local education agency must designate an educational liaison for foster children. If the liaison and parent/guardian agree to placement other than school of origin, a LCI staff member can enroll the student in the district in which the LCI is based. Enrollment data should include all relevant contact information for the student, including who holds

educational decision-making rights. The pupil must be enrolled in the new placement immediately, even if the records normally required cannot be produced. The district in which the LCI is located is responsible for providing or contracting for special education services.

Juvenile Hall

Individuals with exceptional needs who have been adjudicated by the juvenile court may be placed in a juvenile hall or court school program. San Bernardino County Superintendent of Schools is responsible for providing special education services for students residing in such settings. The student's district of residence may be asked to participate in the IEP process.

Correctional Facility (Jail)

Adults (aged 18 to 21 years) incarcerated in California adult jails and prisons who are entitled to a Free Appropriate Public Education (FAPE) if they meet the following criteria: (1) not graduated with a high school diploma; (2) at the time they turned 18, were identified as an individual with exceptional needs and had an Individualized Education Program (IEP) under the IDEA. However, an individual who was not identified as an individual with exceptional needs or did not have an IEP under the IDEA in the educational placement prior to his or her incarceration in an adult correctional facility is not entitled to a FAPE.

In December 2013, the California Supreme Court unanimously ruled in *LAUSD v. Garcia* that, under EC §56041, the school district where the pupil's parent resides is responsible for providing special education and related services to a qualifying individual who is incarcerated in a county jail. This decision means that every school district in California can be held responsible to provide, or contract to provide, special education and related services to eligible incarcerated young adults if the youth's parent resides in the district, even if the student is incarcerated outside of the school district's boundaries. This includes obligations for all of the rights afforded by the IDEA and related state law including child find/search and serve, the provision of FAPE in the least restrictive environment (LRE), and the right to due process.

The following special education requirements do not apply to eligible individuals who are convicted as adults under State law and incarcerated in adult prisons:

A. The requirements relating to participation in general assessments; eligible individuals incarcerated in adult prisons are exempted from participation in state and district-wide assessment programs under the IDEA.
B. The requirements relating to transition planning and transition services do not apply with respect to such individuals whose eligibility under the IDEA will end because of their age before he or she will be released from prison.
C. The IEP Team may modify the individual's IEP or placement notwithstanding the LRE requirements and the IEP contents requirements if there is a bona fide security or compelling legal interest that cannot otherwise be accommodated.

CHAPTER III – COORDINATED SYSTEM OF REFERRAL FOR SCHOOL AGE STUDENTS

SECTION I – CHILD FIND FOR SCHOOL AGED INDIVIDUALS

All children with disabilities residing in the state, including children with disabilities who are homeless children or are wards of the state and children with disabilities attending private, including religious, elementary, and secondary schools, regardless of the severity of their disabilities, and who are in need of special education and related services, shall be identified, located, and assessed. The requirements also apply to highly mobile individuals with exceptional needs, including migrant children, and children who are suspected of being an individual with exceptional needs and in need of special education, even though they are advancing from grade to grade.

The child find process shall ensure the equitable participation in special education and related services of parentally placed private schoolchildren with disabilities and an accurate count of those children. Child find activities conducted by local educational agencies, or where applicable, the department, shall be similar to those activities undertaken for pupils in public schools. The cost of the child find activities in private, including religious, elementary and secondary schools, may not be considered in determining whether a local educational agency has met its obligations under the proportionate funding provisions for children enrolled in private, including religious, elementary and secondary schools. The child find process described in paragraph (1) shall be completed in a time period comparable to that for other pupils attending public schools in the local educational agency.

SECTION II – IDENTIFICATION PROCESSES

A local educational agency shall provide for the identification and assessment of the exceptional needs of an individual, and the planning of an instructional program to meet the assessed needs. Identification procedures shall include systematic methods of utilizing referrals of pupils from teachers, parents, agencies, appropriate professional persons, and from other members of the public. Identification procedures shall be coordinated with school site procedures for referral of pupils with needs that cannot be met with modification of the regular instructional program.

A pupil shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized.

All referrals for special education and related services shall initiate the assessment process and shall be documented. When a verbal referral is made, staff of the school district, special education local plan area, or county office shall offer assistance to the individual in making a request in writing and shall assist the individual if the individual requests such assistance. All school staff referrals shall be written and include: (1) a brief reason for the referral and (2) documentation of the resources of the regular education program that have been considered, modified, and when appropriate, the results of intervention. This documentation shall not delay the timelines for completing the assessment plan or assessment.

The parents or guardians of a pupil who has been referred for initial assessment, or of a pupil identified as an individual with exceptional needs, shall be afforded an opportunity to participate in meetings with respect to the identification, assessment, and educational placement.

Problem Solving Team

As noted above, if a parent makes an oral request for a special education assessment for their child, it is the responsibility of the local education agency (LEA) to inform the parents this request must be in writing and assist the parents with writing the request if needed. This request starts the assessment process and should follow the same procedure as described herein.

Given the legal requirement that "a pupil shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized", many school districts have implemented problem solving team approaches to monitor student achievement and the provision of interventions to meet identified needs. Historically school districts/sites have implemented a Problem Solving Team (under a variety of local names including Student Study Team (SST), Student Success Team (SST), Intervention Team Meeting (ITM), Educational Monitoring Team (EMT), etc.) process to meet the legal requirement that "all school staff referrals shall be written and include: (1) a brief reason for the referral and (2) documentation of the resources of the regular education program that have been considered, modified, and when appropriate, the results of intervention."

More recently, educational problem solving teams are playing a key role in the collaborative problem solving aspects of Response to Intervention and Instruction (RtI^2). To be successful, RtI2 requires regular data collection and analysis, and collaborative decision making regarding appropriate interventions for students. The California Department of Education (CDE) has defined the following as key aspects associated with RtI^2:

A. High-quality classroom instruction.
B. Research-based instruction.
C. Universal screening.
D. Continuous classroom progress monitoring.
E. Research-based interventions.
F. Progress monitoring during instruction and interventions.
G. Fidelity of program implementation.
H. Staff development and collaboration.
I. Parent involvement.
J. Specific Learning Disability Determination.

Problem Solving Teams (PST) provide a preventative and proactive model to improve student outcomes. The PST offers an ongoing process to support the general education teacher and examines current student learning issues and engages educators in collaborative problem solving. The PST process provides a focus on identifying the student's educational concerns and interventions and also monitors intervention implementation practices aligned to student learning results. Support is provided to the teacher with full implementation of all interventions with fidelity and in a timely manner.

SECTION III – REFERRAL FOR ASSESSMENT

"Referral for assessment" means any written request for assessment to identify an individual with exceptional needs made by any of the following: (a) A parent or guardian of the individual. (b) A teacher or other service provider of the individual. (c) A foster parent of the individual, consistent with the limitations contained in federal law.

Referral Process

Given that evaluation procedures need to address all areas of suspected disability, it is critical that the reason for referral is comprehensive in nature. It is important to clearly understand the referral concern before an assessment plan is created. The documentation provided by the problem solving team should provide clear evidence as to what the area(s) of concern are (i.e., reading fluency /comprehension, writing, mathematics calculation, behavioral and/or emotional challenges, physical, medical or health issues, etc.). There should also be clear evidence that the student's needs cannot be met with accommodations or modification made within the general education environment alone. If the referral question is ambiguous and broad, then judging the degree to which all aspects of the concern have been addressed becomes significantly more difficult. Clarity in these areas also helps determine which professional will be the recipient of the referral forms and who needs to be involved in the evaluation processes.

Referral from the Problem Solving Team. When a problem solving team makes a written request for assessment to determine whether a student is an individual with exceptional needs, ideally, the special education personnel have been involved in at least the most recent problem solving team meeting and are aware of the reason for referral. The Chair of the problem solving team needs to provide a copy of the documentation to the contact person and log the referral date. The recipient of such a request has 15 days to take action. All school staff referrals must be written and include a brief reason for the referral and documentation of the resources of the regular education program that have been considered, modified, and when appropriate, the results of intervention. This documentation shall not delay the timelines for completing the assessment plan or assessment. The Problem Solving Team process typically involves explaining the proposed evaluation process and the procedural safeguards to the parent/guardian of the child referred. In this way the parent is able to provide "informed" consent to the proposed Assessment Plan, understands the Prior Written Notice explaining why the LEA proposes to initiate the assessment process for special education identification, and what parent and student rights are inherent in the procedural safeguards.

Referral from Parent Request. Similarly, when the LEA receives a written request for special education assessment from a parent, the LEA has 15 days to respond to the request. It is recommended that the school hold a problem solving team meeting within 15 days to address the parent's concerns. The team must end the meeting with either, (1) a proposed Assessment Plan and a Prior Written Notice explaining why the LEA proposes to initiate the assessment process for special education identification, (2) a written request from the parent to rescind the request for assessment, or (3) a Prior Written Notice with the reason why the request for assessment is being refused.

When a verbal referral is made, staff members must offer assistance to the individual in making a request in writing, and then assist the individual if the individual requests such assistance.

The referral through assessment process is not completed until the IEP team meeting is held, student is identified as eligible or ineligible for special education services, and the appropriate IEP document written.

Timelines

A proposed assessment plan shall be developed within 15 calendar days of referral for assessment, not counting calendar days between the pupil's regular school sessions or terms or calendar days of school vacation in excess of five schooldays, from the date of receipt of the referral, unless the parent or guardian agrees in writing to an extension.

A parent or guardian shall have at least 15 calendar days from the receipt of the proposed assessment plan to arrive at a decision.

Once a child has been referred for an initial assessment to determine whether the child is an individual with exceptional needs and to determine the educational needs of the child, these determinations shall be made, and an individualized education program team meeting shall occur within 60 days of receiving parental consent for the assessment.

The 60-day time period does not apply to a local educational agency if either of the following occurs:

A. A child enrolls in a school served by the local educational agency after the relevant time period has commenced but prior to a determination by his or her previous local educational agency of whether the child is an individual with exceptional needs. The exemption of this paragraph applies only if the subsequent local educational agency is making sufficient progress to ensure a prompt completion of the assessment, and the parent and subsequent local educational agency agree to a specific date by which the assessment shall be completed.

B. The parent of a child repeatedly fails or refuses to produce the child for the assessment.

All assessments must be completed, and an individualized education plan developed within 60 calendar days after receipt of the signed assessment plan. Vacations or off- track days longer than 5 consecutive school days are not counted as part of the 60 calendar days. The number of days prior to the off-school time is added to the days starting upon the student's return to total the 60 calendar days.

When a referral is received 10 days or less prior to the end of the regular school year, the days between the pupil's regular school sessions or terms or days of school vacation in excess of five schooldays are not counted as part of the 60-days. However, the assessment plan shall be developed within 10 days after the commencement of the subsequent regular school year or the pupil's regular school term as determined by each district's school calendar for each pupil for whom there is a referral. In the case of pupil school vacations, the 15-day time shall commence on the date that the pupil's regular schooldays reconvene.

SECTION IV – REFERRAL FOR SCREENINGS

While there is no official definition of screening, the difference between screening and assessment depends largely on its purpose. A special education assessment is focused on collecting information about a student in all areas related to a suspected disability for the purpose of determining eligibility and/or the need for special education services. Screening focuses on collecting information about multiple students in relation to their instructional programs to determine and design instructional strategies and interventions.

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an assessment for eligibility for special education and related services.

For clarity, screenings should be viewed as a form of consultative service from a specialist and should generally include an entire classroom or a significant portion of the class. Screening in this context may include observation, universal screening, file review, examination of work samples, teacher interviews, etc. for the purpose of improving a student's instructional program. Screenings may be conducted for non-identified students or students with disabilities. Screenings may be performed by a variety of persons, i.e., special education teachers, service providers, program specialists, etc. at the request of the general education or special education teacher or as part of a school's Multi-Tiered System of Support/Response to Intervention (MTSS/RtI).

The most common example of how screenings might be legally utilized:

A. A speech and language therapist does a brief assessment of each of the students in a kindergarten class in order to assist the teacher with targeted interventions for common articulation errors present in such an age group.

B. The entire class or grade level is screened using Universal Screening tools (such as DIBELS) to identify students who require additional tiers of intervention within the general education MTSS program.

Screenings may not be used as a means of avoiding a referral for a special education evaluation,

although they might be used to inform a student's IEP team regarding whether he/she might have a need for assessment in a newly identified area of need.

CHAPTER IV – ELIGIBILITY FOR SPECIAL EDUCATION

SECTION I – ELIGIBILITY CRITERIA

A child shall qualify as an individual with exceptional needs if the results of the assessment demonstrate that the degree of the child's impairment requires special education in one or more of the program options authorized. The decision as to whether or not the assessment results demonstrate that the degree of the child's impairment requires special education shall be made by the IEP team. The IEP team shall take into account all the relevant material that is available on the child. No single score or product of scores shall be used as the sole criterion for the decision of the IEP team as to the child's eligibility for special education.

The special education eligibility criteria shall apply to preschool children, between the ages of three and five years. A preschool child, between the ages of three and five years, qualifies as a child who needs early childhood special education services if the child is identified as having one of the following disabling conditions or an established medical disability.

The specific categories of eligibility under CCR Title 5 §3030 are delineated as follows:

A. Autism
B. Deaf-blindness
C. Deafness
D. Emotional Disability
E. Hearing Impairment
F. Intellectual Disability
G. Multiple Disabilities
H. Orthopedic Impairment
I. Other Health Impairment
J. Specific Learning Disability
K. Language or Speech Disorder
L. Traumatic Brain Injury
M. Visual Impairment
N. Established Medical Disability (ages 3 – 5 only)

The disability terms used in defining an individual with exceptional needs are as follows:

A. Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, and adversely affecting a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.
    1. Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disability.

2. A child who manifests the characteristics of autism after age three could be identified as having autism if the criteria are satisfied.

Deaf-blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

Deafness means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification that adversely affects a child's educational performance.

Emotional disability means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

3. An inability to learn that cannot be explained by intellectual, sensory, or health factors.
4. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
5. Inappropriate types of behavior or feelings under normal circumstances.
6. A general pervasive mood of unhappiness or depression.
7. A tendency to develop physical symptoms or fears associated with personal or school problems.
8. Emotional disability includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disability.

Hearing impairment means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section.

Intellectual disability means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a child's educational performance.

Multiple disabilities means concomitant impairments, such as intellectual disability-blindness or intellectual disability-orthopedic impairment, the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. *Multiple disabilities* does not include deaf-blindness.

Orthopedic impairment means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment that:

9. Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and
10. Adversely affects a child's educational performance.

Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken, or written, that may have manifested itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The basic

psychological processes include attention, visual processing, auditory processing, phonological processing, sensory-motor skills, cognitive abilities including association, conceptualization, and expression.

11. Specific learning disabilities do not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disability, or of environmental, cultural, or economic disadvantage.

12. In determining whether a pupil has a specific learning disability, the public agency may consider whether a pupil has a severe discrepancy between intellectual ability and achievement in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning. The decision as to whether or not a severe discrepancy exists shall take into account all relevant material which is available on the pupil. No single score or product of scores, test or procedure shall be used as the sole criterion for the decisions of the IEP team as to the pupil's eligibility for special education. In determining the existence of a severe discrepancy, the IEP team shall use the following procedures:

    a. When standardized tests are considered to be valid for a specific pupil, a severe discrepancy is demonstrated by: first, converting into common standard scores, using a mean of 100 and standard deviation of 15, the achievement test score and the intellectual ability test score to be compared; second, computing the difference between these common standard scores; and third comparing this computed difference to the standard criterion which is the product of 1.5 multiplied by the standard deviation of the distribution of computed differences of students taking these achievement and ability tests. A computed difference which equals or exceeds this standard criterion, adjusted by one standard error of measurement, the adjustment not to exceed 4 common standard score points, indicates a severe discrepancy when such discrepancy is corroborated by other assessment data which may include other tests, scales, instruments, observations, and work samples, as appropriate.

    b. When standardized tests are considered to be invalid for a specific pupil, the discrepancy shall be measured by alternative means as specified on the assessment plan.

    c. If the standardized tests do not reveal a severe discrepancy as defined in subdivisions 1. or 2. above, the IEP team may find that a severe discrepancy does exist, provided that the team documents in a written report that the severe discrepancy between ability and achievement exists as a result of a disorder in one or more of the basic psychological processes. The report shall include a statement of the area, the degree, and the basis and method used in determining the discrepancy. The report shall contain information considered by the team which shall include, but not be limited to:

        i. Data obtained from standardized assessment instruments;
        ii. Information provided by the parent;
        iii. Information provided by the pupil's present teacher;
        iv. Evidence of the pupil's performance in the regular and/or special education classroom obtained from observations, work samples, and group test scores;
        v. Consideration of the pupil's age, particularly for young children; and
        vi. Any additional relevant information.

    d. A severe discrepancy shall not be primarily the result of limited school experience or poor school attendance.

13. Whether or not a pupil exhibits a severe discrepancy as described above, a pupil may be determined to have a specific learning disability if:

a. The pupil does not achieve adequately for the pupil's age or to meet state-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the pupil's age or state-approved grade-level standards:

   i. Oral expression.
   ii. Listening comprehension.
   iii. Written expression.
   iv. Basic reading skill.
   v. Reading fluency skills.
   vi. Reading comprehension.
   vii. Mathematics calculation.
   viii. Mathematics problem solving, and

b. The pupil does not make sufficient progress to meet age or state-approved grade level standards in one or more of the areas identified when using a process based on the pupil's response to scientific, research-based intervention; or

   i. The pupil exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments; and

c. The findings are not primarily the result of:

   i. A visual, hearing, or motor disability;
   ii. Intellectual disability;
   iii. Emotional disability;
   iv. Cultural factors;
   v. Environmental or economic disadvantage; or
   vi. Limited English proficiency

d. To ensure that underachievement in a pupil suspected of having a specific learning disability is not due to the lack of appropriate instruction in reading or math, the group making the decision must consider:

   i. Data that demonstrate that prior to, or as a part of, the referral process, the pupil was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
   ii. Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the pupil's parents.

e. In determining whether a pupil has a specific learning disability, the public agency must ensure that the pupil is observed in the pupil's learning environment. In the case of a child of less than school age or out of school, a qualified professional must observe the child in an environment appropriate for a child of that age. The eligibility determination must be documented.

A pupil has a language or speech disorder and it is determined that the pupil's disorder meets one or more of the following criteria:

14. Articulation disorder.

a. The pupil displays reduced intelligibility or an inability to use the speech mechanism which interferes with communication and attracts adverse attention. Significant interference in communication occurs when the pupils' production of single or multiple speech sounds on a

developmental scales of articulation competence is below that expected for his or her chronological age or developmental level, and which adversely affects educational performance.

b. A pupil does not meet the criteria for an articulation disorder if the sole assessed disability is an abnormal swallowing pattern.

15. Abnormal Voice. A pupil has an abnormal voice which is characterized by persistent, defective voice quality, pitch, or loudness.

16. Fluency Disorders. A pupil has a fluency disorder when the flow of verbal expression including rate and rhythm adversely affects communication between the pupil and listener.

17. Language Disorder. The pupil has an expressive or receptive language disorder when he or she meets one of the following criteria:

    a. The pupil scores at least 1.5 standard deviations below the mean, or below the 7th percentile, for his or her chronological age or developmental level on two or more standardized tests in one or more of the following areas of language development: morphology, syntax, semantics, or pragmatics. When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified on the assessment plan, or

    b. The pupil scores at least 1.5 stand deviations below the mean or the score is below the 7th percentile for his or her chronological age or developmental level on one or more standardized tests in one of the areas listed in subdivision (a) and displays inappropriate or inadequate usage of expressive or receptive language as measured by the representative spontaneous or elicited language sample of a minimum of 50 utterances. The language sample must be recorded or transcribed and analyzed, and the results included in the assessment report. If the pupil is unable to produce this sample, the language, speech, and hearing specialists shall document why a fifty-utterance sample was not obtainable and the contexts in which attempts were made to elicit the sample. When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified in the assessment plan.

Traumatic brain injury means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior, physical function; information processing; and speech.

18. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

Visual impairment including blindness means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

Established Medical Disability means a disabling medical condition or congenital syndrome that the Individualized Education Program (IEP) team determines has a high predictability of requiring special education and services (ages 3 to 5 inclusive only).

Exclusionary Factors

A child must not be determined to be a child with a disability:

A. If the determinant factor for that determine is:
    1. Lack of appropriate instruction in reading, including the essential components of reading instruction;
    2. Lack of appropriate instruction in math; or
    3. Limited English proficiency; and

If the child does not otherwise meet the eligibility criteria.

Assessment of African American Students (the Larry P. Injunction Changes)

History:

- In 1979 the 9th Circuit Court decision in Larry P. v Riles limited the use of IQ tests in California and those that purported to be substitutes for IQ tests for African Americans for the eligibility of EMR (Educably Mentally Retarded) and EMR classes because the court determined them to be biased based on evidence presented.
- In 1986 the Larry P. Settlement Agreement, expanded the court injunction (ban on intelligence tests for African American/Black students from EMR and placement decision into EMR classes and their substantive equivalents) to all 13 special education eligibility handicapping conditions.
- In 1992 the 9th Circuit Court decision in Crawford v Honig, concluded that the expansion of the ban by the CDE to all 13 categories was misapplied, and that the Larry P injunction applied only to the one handicapping condition (EMR and placement in EMR classes and their substantive equivalents).
- In 1992 and 1997 CDE wrote subsequent memorandums that stated regardless of Crawford v Honig that the ban on intelligence tests and their equivalents for African American students would still be enforced.
- That was the practice in California until 2022 due to subsequent changes in the law that changed the label of "EMR."

Current Guidance from CDE (effective 2022):

- On September 14, 2022, the California Department of Education (CDE) issued a Memorandum on Special Education of African American Students. It stated, "This memo reflects the most current federal and state statutory, regulatory and case law, and supersedes any previous guidance on this issue."
- Furthermore, it stated the "substantial equivalent" of EMR identification or placement, **Intellectual Disability (ID) is the category that replaced Mental Retardation**.
- Consequently, **CDE stopped the expansion of the Larry P. injunction to all other disability categories**.
- **CDE stated the Larry P. ruling is to apply toward ID eligibility and special education placement decisions in ID classes only. So, unless ID is a suspected area of disability, school psychologists are able to exercise their judgment on what assessment tools (IQ tests) to use or not.**
- Specifically, CDE indicated, "**So long as LEAs follow legal requirements, generally speaking they have discretion in selecting which particular assessments to use in determining eligibility for special education."**

The California Association of School Psychologists (**CASP) recommends using best practices for all students being assessed for special education, which is by starting with Record review, Interviews with family and**

staff, and Observation(s). This is the RIO of RIOT and the reason for T, "Testing" being at the end is intentional as the RIO informs what assessments are appropriate in consideration of the referral question.

Furthermore, CASP recommends the following when addressing potential ID

- If "subaverage…deficits in adaptive behavior." are not present, then ID can be ruled out and there are no restrictions regarding intelligence tests or overall measures of cognitive ability being used for African American students.

If subaverage Adaptive Behavior deficits are present and not better explained by Other Health Impairment (OHI), Emotional Disability (ED), Traumatic Brain Injury (TBI) or another disability area, and/or there is no evidence to support stronger problem-solving skills beyond assessed adaptive behavior (CCR 3030(b)(6), ID cannot be ruled out. **In this case for African American students, the ban would remain in effect, unless further information is gathered that can rule out ID.**

SECTION II – STUDENTS NOT ELIGIBILE FOR SPECIAL EDUCATION

Not all students who experience difficulties in school need special education. Often, a student's school difficulties can be addressed though the implementation of interventions or accommodations within the general education program. Consideration of the following circumstances should be considered when determining special education eligibility:

A. Whether there is written documentation (i.e., Problem Solving Team records) of prior attempts to implement interventions and/or provide accommodations within the general education program or categorical programs or to implement RTI strategies over a reasonable period of time. A "reasonable period of time" will vary with the individual student. However, the average amount of time it takes to implement a Tier 1 or Tier 2 (RTI) intervention would be considered reasonable. If a parent wants and requests an immediate assessment and requests the assessment in writing, the written request begins the legal timeline.

The student is demonstrating slow but steady progress within the general education classroom.

The need for remedial academic instruction is not clearly related to a learning disability.

Excessive absence from school is the main basis for academic non-achievement.

A remedial health condition exists that has a significant effect on the student's academic performance, but actions have not been taken to ameliorate the condition. A medical or dental condition exists which can be reasonably expected to improve if treated. Tonsils and adenoids affecting hearing, learning and dental conditions that affect speech are examples.

The sole basis for referral and/or assessment is the student's limited English language status or the student's cultural difference.

The sole basis for referral is behavior disorder without associated learning difficulties.

The sole basis for referral is maturational.

The sole basis for referral is lack of a general physical education program or lack of, or unwillingness to, modify the general physical education program for an individual student.

Social maladjustment is the main basis for the referral.

CHAPTER V – INDIVIDUALIZED EDUCATION PROGRAM (IEP)

SECTION I - THE IEP PROCESS - INTRODUCTION

Individualized Education Program or IEP is a written statement for a child with a disability that is developed, reviewed, and revised in accordance with 34 CFR §§300.320 through 300.324 and Ed Code §56345.

The development of an IEP is a team process that follows a series of steps for success. Although the forms are standardized with required components, the completion and content of the IEP document is individualized to each student. The IEP team members determine eligibility for special education and related services and the Local Education Agency's (LEA's) offer for the provision of a Free Appropriate Public Education (FAPE) for each student with a disability in the Least Restrictive Environment (LRE).

The IEP process begins with assessment which informs the content of the IEP and leads to the development of Goals and Objectives which determine the necessary services. The IEP process is strengthened through effective communication, collaboration and partnership among members including parents and guardians. The completed IEP document leads to the ongoing process of progress monitoring, revisions as needed and annual progress determinations. Data from the IEP is also used to track compliance for CDE and CALPADS reporting.

The IEP is:

An agreement, that the student will receive what is specified in the IEP. It is not a contract.

A compliance tool enabling school districts and State and Federal agencies to determine whether a student is receiving a FAPE by assessing whether the IEP meets legal requirements, is designed to provide Educational Benefit, and whether the student is receiving what is documented on the IEP.

A. A student-centered management tool used to ensure that a child is provided needed special education and related services.

B. A commitment of resources necessary to enable the child to receive needed special education and related services.

The IEP is not:

A. A guarantee that a student will achieve the goals and objectives set forth in his or her IEP.

B. A vehicle for specifying the methodologies or curricula teachers and other professionals will use with the student unless specified.

SECTION II – EDUCATIONAL BENEFIT

To receive a Free and Appropriate Public Education (FAPE), a student must receive meaningful Educational Benefit through his or her IEP. A school must offer an IEP that is "reasonably calculated to enable a student to make progress in light of the student's unique and individual circumstances." The 2017 United States Supreme Court decision in the Endrew F. vs. Douglas County case determined that "this standard is more demanding than the 'merely more than de minimus' test applied by the Tenth Circuit in the 1982 Rowley decision.

The IEP shall show a direct relationship between the present levels of performance, the goals and objectives, and the specific educational services to be provided. Specific educational placement means that unique combination of facilities, personnel, location or equipment necessary to provide instructional services to a child with a disability, as specified in the IEP.

Educational Benefit: Six Components

Areas of Assessment

- For the Initial IEP, there must be assessment data that identifies the areas of need.
- For each Plan Review IEP, there must be data (classroom, progress on goals, informal assessment, SBAC, etc.) that identifies areas of need.
- For each Reevaluation IEP, there must be assessment data that continues to be clear about the student's areas of need.

Areas of Need

- Assessment data is used to identify needs that are related to the student's disability.
- Assessment data is used to identify needs related to the student's involvement and progress in the general education setting and curriculum.

Present Levels of Performance

- The Present levels of performance include all of the needs identified in the assessment and related to the student's disability.
    - Area of need statement about what the student CANNOT do.
    - Area of need statement about what the student CAN do.

Goals and Objectives (Benchmarks)

- Goals and Objectives clearly address the areas of need reflected in the present levels of performance.
    - One goal for every area of need as identified by assessment data and from the present levels of performance.
    - Each goal must only address one area of need – No compound goals.

Services

- Services are planned which will support student progress toward goals.
    - The IEP includes a direct relationship between the present levels of performance, goals and the specific educational services to be provided.
- The IEP includes descriptions of program modifications that will be provided to enable the student to:
    - Advance toward attaining goals.
    - Be involved in and make progress in the general education curriculum and participate in extracurricular activities.
    - Be educated and participate with other students with disabilities and with nondisabled students.
- Progress

- Progress data is collected for all goals and objectives.
- Goals and services are changed in the IEP to assist the student to make progress when needed.

SECTION III – IEP CONTENTS

An IEP is a written statement for each individual with exceptional needs that is developed, reviewed, and revised and includes the following:

A. A statement of the child's present levels of academic achievement and functional performance, including:

1. How the child's disability affects the child's involvement and progress in the general education curriculum; or
2. For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities.
3. For individuals with exceptional needs who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives.

A statement of measurable annual goals, including academic and functional goals, designed to:

4. Meet the needs of the child that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum.
5. Meet each of the child's other educational needs that result from the child's disability.

A description of how the child's progress toward meeting the annual goals will be measured and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards), will be provided.

A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child:

6. To advance appropriately toward attaining the annual goals.
7. To be involved in and make progress in the general education curriculum and to participate in extracurricular and other nonacademic activities.
8. To be educated and participate with other children with disabilities and nondisabled children.

An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class.

(a) A statement of the individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on state and districtwide assessments. (b) If the IEP Team determines that the pupil shall take an alternate assessment instead of a particular state or districtwide assessment of student achievement, a statement of:

9. The reason why the child cannot participate in the regular assessment; and
10. The reason why the particular alternate assessment selected is appropriate for the child.

The projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications.

Beginning not later than the first IEP to be in effect when the child is 16 years of age, or younger if determined appropriate by the IEP Team, and updated annually thereafter, the IEP must include:

11. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills; and
12. The transition services, including course of study, needed to assist the child in reaching those goals.

Beginning not later than one year before the child reaches the age of majority under state law, the IEP must include a statement that the child has been informed of the child's rights, if any, that will transfer to the child on reaching the age of majority.

If appropriate, the IEP shall also include, but not be limited to:

A. For children in grades 7 to 12, inclusive, any alternative means and modes necessary for the pupil to complete the prescribed course of study of the district and to meet or exceed proficiency standards for graduation.

B. For children whose native language is other than English, linguistically appropriate goals, objectives, programs, and services.

C. Extended school year services (ESY) shall be included in the IEP and provided to the child if the IEP Team determines, on an individual basis, that the services are necessary for the provision of FAPE to the child.

D. Provision for the transition in the regular class program if the child is to be transferred from a special class or nonpublic, nonsectarian school (NPS) into a regular class in a public school for any part of the school day, including:

1. A description of activities provided to integrate the child into the regular education program. The description shall indicate the nature of each activity, and the time spent on the activity each day or week.
2. A description of the activities provided to support the transition of a child from the special education program into the regular education program.

For children with low-incidence disabilities, specialized services, materials, and equipment, consistent with guidelines.

SECTION IV – EXTENDED SCHOOL YEAR (ESY)

Extended school year services will be provided for each child with a disability who has unique needs and requires special education and related services in excess of the regular academic year. ESY services are provided during the summer/intersession (the period of time between the close of one academic year and the beginning of the succeeding academic year) when the IEP Team determines a student will experience a loss of skills (regression) during the break from school that he or she will not recoup in a time frame comparable to typical students upon return to school. Most students regress during school breaks and recoup their lost skills within an expected period of time when school reconvenes.

To determine whether the student is likely to experience regression, the IEP team must consider the student's past performance and determine that the student is at risk of not recouping skills within the normally expected period of time. A student with severe disabilities may also be eligible for ESY services if he or she requires such services in order to attain critical skills that are essential to the progress of the student and lead to independent functioning and integration with non-disabled individuals.

ESY shall be provided for a minimum of 20 instructional days, including holidays.

If during the regular academic year a child's IEP specifies integration in the regular classroom, a public education agency is not required to meet that component of the IEP if no regular summer school programs are being offered by that agency.

SECTION V – SCHEDULING THE IEP MEETING

The IEP team shall review the child's IEP periodically, but not less frequently than annually, to determine whether the annual goals for the child are being achieved, and revise the IEP, as appropriate.

A. The LEA shall take steps to ensure that no less than one of the parents or guardians of the child are present at each IEP or are afforded the opportunity to participate.

B. Parents/Guardians shall be notified of the IEP meeting early enough to ensure an opportunity to attend.

C. The IEP meeting shall be scheduled at a mutually agreed-upon time and place. The notice of the meeting shall indicate the purpose, time and location of the meeting and who shall be in attendance (by title).

D. Parents shall also be informed in the notice of the right to bring other people to the meeting who have knowledge or special expertise regarding the child. The notice to the parent shall also include information related to the participation of the infants and toddlers service coordinator at the initial IEP meeting for a child previously served under Part C.

E. When the student reaches 16 years of age, the meeting notice shall indicate that a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the student and the meeting notice shall indicate that the student is invited to attend.

F. The LEA, with the consent of the parent or adult student, shall invite a representative of any participating agency that is likely to be responsible for providing or paying for the transition services.

G. If no parent or guardian can attend the meeting in person, the LEA shall use other methods to ensure parent or guardian participation, including individual or conference call or videoconferencing.

H. A meeting may be conducted without a parent or guardian in attendance if the LEA is unable to convince the parent or guardian to attend. In this event, the LEA shall maintain a record of its attempts to arrange a mutually agreed-upon time and place, such as:

   1. Detailed records of phone calls made or attempted and the results of those calls.
   2. Copies of correspondence sent to the parents or guardians and any responses received.
   3. Detailed records of visits made to the home or place of employment of the parent or guardian and the results of those visits.

The LEA shall take any action necessary to ensure that the parent or guardian understands the proceedings at a meeting, including arranging for an interpreter for parents or guardians with deafness or whose native language is a language other than English.

SECTION VI – IEP TEAM MEMBERS

Each meeting to develop, review, or revise the IEP of a child with a disability, including placement decisions, shall be conducted by an IEP Team. The IEP Team shall include all the following:

A. One or both of the child's parents, a representative selected by a parent, or both.

B. Not less than one regular education teacher of the child, if the child is, or may be, participating in the regular education environment. If more than one regular education teacher is providing instructional services to the child with a disability, one regular education teacher may be designated by the LEA to represent the others.

C. The regular education teacher of a child with a disability, to the extent appropriate, shall participate in the development, review, and revision of the child's IEP including assisting in the determination of appropriate positive behavioral interventions and supports, and other strategies for the child, and the determination of supplementary aids and services, program modifications, and supports for school personnel that will be provided for the child.

D. Not less than one special education teacher of the child, or if appropriate, not less than one special education related services provider of the child.

E. A district representative (administrator), who meets all of the following:

1. Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities.
2. Is knowledgeable about the general education curriculum.
3. Is knowledgeable about the availability of resources of the LEA.

An individual who can interpret the instructional implications of the assessment results.

At the discretion of the parent, guardian, or the LEA, other individuals who have knowledge or special expertise regarding the child, including related services personnel, as appropriate. The determination of whether the individual has knowledge or special expertise regarding the child shall be made by the party who invites the individual to be a member of the IEP team.

Whenever appropriate, the child with a disability.

4. The LEA shall invite the student with a disability to attend his or her IEP meeting if a purpose of the meeting is the consideration of the postsecondary goals for the student and the needed transition services to assist the student in reaching those goals.
5. To the extent appropriate, with the consent of the parents or adult student, the LEA shall invite a representative of a participating agency that is likely to be responsible for providing or paying for transition services (such as Inland Regional Center (IRC) or the Department of Rehabilitation (DOR)).

A member of the IEP Team shall not be required to attend an IEP meeting, in whole or in part, if the parent of the child with a disability and the LEA agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.

A member of the individualized education program team may be excused from attending an individualized education program meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if both of the following occur:

6. The parent, in writing, and the LEA consent to the excusal after conferring with the member.
7. The member submits, in writing, to the parent and the IEP Team input into the development of the IEP prior to the meeting.

Parent Participation

The parents of a child with a disability must be afforded an opportunity to inspect and review all education records with respect to the identification, evaluation and educational placement of the child and the provision of FAPE to the child.

The parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to the identification, evaluation and educational placement of the child and the provision of FAPE to the child.

The LEA must provide notice to ensure that parents of children with disabilities have the opportunity to participate in IEP meetings.

A meeting does not include informal or unscheduled conversations involving public agency personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provisions. A meeting also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

SECTION VII – IEP MEETING TIMELINE REQUIREMENTS

The following timelines apply to IEP meetings:

A. An IEP shall be held within 60 calendar days from receipt of the signed assessment plan providing consent for the assessment.

   1. The 60-calendar day timeline does not include days between the child's regular school sessions, terms, or days of school vacation in excess of five school days.

   2. If consent for assessment is received within 20 days of the end of the regular school year, the IEP must be held within 30 days from the beginning of the subsequent regular school year. If the signed assessment plan is received during the student's school vacation the IEP meeting must be held within 60 days of the date that school reconvenes.

An IEP requested by a parent or guardian shall be held within 30-calendar days of the date the parent requests the meeting.

   3. The 30-calendar day timeline does not include days between the child's regular school sessions, terms, or days of school vacation in excess of five school days.

The IEP team shall review the child's IEP annually (within one year from the date of the previous IEP meeting).

The IEP team shall meet to conduct a Plan Review/30-day IEP within 30-calendar days of the child's enrollment from another SELPA.

   4. The IEP team shall meet to conduct an IEP meeting (Plan Review or Amendment), if necessary, to review and/or revise any components of the IEP, when a child enrolls from another district within the East Valley SELPA.

SECTION VIII –CONSENT PROCEDURES

Informed parental consent must be obtained before providing special education services. Consent means that the has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or through another mode of communication; The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought; and the consent describes that activity and lists

the records (if any) that will be released and to whom. Additionally, the parent understands that the granting of consent is voluntary and may be revoked at any time.

Revocation of Consent Procedures

When a parent or legal guardian indicates an interest in revocation of consent to special education and related services, the IEP team should consider the request carefully. The District should respond to the request in writing (PWN) and may provide a date to cease providing special education and related services. After this date, student will receive no special education or related services and will not be considered a student with a disability.

By revocation of consent for a child to receive special education and related services, the protections and procedural safeguards are no longer applicable to the student. The services and accommodations/modifications that are agreed to in the student's most current IEP will no longer be available to the student. Additionally, the student will not have any of the procedural safeguards available to students with disabilities in the event of any disciplinary action.

The LEA's special education administrator should always be consulted when revocation has been requested. Typically, best practice is for the LEA to not disagree with its own IEP recommendations and request an additional meeting to listen to the parent concerns and make sure the parent is fully informed of the loss of services, accommodations, modifications, and other protections under IDEA due to the requested revocation. The IEP team should document the team's recommendations for special education and related services and make note in the comments that the parent has been informed of the team's recommendations but wishes to revoke consent for services. If the nature of the student's IEP services are so necessary to their ability to access and receive any educational benefit, the LEA may opt to enter into due process to show that its offer of FAPE was appropriate. This is a rare and extreme example, but the LEA should take action if staff feel strongly that student harm would occur without the enumerated IEP services being provided.

If the parent still wishes to revoke consent, they should understand student may again be referred and considered for special education and related services in the future.

If a parent revokes consent, the revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked) and the public agency is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

If at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the public agency:

A. May not continue to provide special education and related services to the child but must provide prior written notice before ceasing such services.

May not use the mediation or due process procedures in order to obtain agreement or a ruling that the services may be provided to the child.

Will not be considered to be in violation of the requirement to make a free appropriate public education (FAPE) available to the child because of the failure to provide the child with further special education and related services.

Is not required to convene an IEP team meeting or develop an IEP for the child for further provision of special education and related services.

SECTION IX – TRIENNIAL REEVALUATIONS

A reassessment of the pupil, shall be conducted if the local educational agency determines that the educational or related service needs, including improved academic achievement and functional performance, of the pupil warrant a reassessment, or if the pupil's parents or teacher requests a reassessment.

A reassessment shall occur not more frequently than once a year, unless the parent and the local educational agency agree otherwise, and shall occur at least once every three years, unless the parent and the local educational agency agree, in writing, that a reassessment is unnecessary.

As part of a reassessment, the individualized education program team and other qualified professionals, as appropriate, shall do the following:

A. Review existing assessment data on the pupil, including assessments and information provided by the parents of the pupil, current classroom-based assessments and observations, and teacher and related services providers observations.

B. On the basis of the review conducted and input from the parents of the pupil, identify what additional data, if any, is needed to determine:

    1. Whether the pupil continues to have a disability
    2. The present levels of performance and educational needs of the pupil
    3. Whether the pupil continues to need special education and related services
    4. Whether any additions or modifications to the special education and related services are needed to enable the pupil to meet the measurable annual goals set out in the individualized education program of the pupil and to participate, as appropriate, in the general curriculum.

The local educational agency shall administer tests and other assessment materials needed to produce the data identified by the individualized education program team.

If the individualized education program team and other qualified professionals, as appropriate, determine that no additional data is needed to determine whether the pupil continues to be an individual with exceptional needs, and to determine the educational needs of the pupil, the local educational agency shall notify the parents of the pupil of that determination and the reasons for it, and the right of the parents to request an assessment to determine whether the pupil continues to be an individual with exceptional needs, and to determine the educational needs of the pupil. The local educational agency is not required to conduct an assessment, unless requested by the parents of the pupil.

A reassessment may not be conducted unless the written consent of the parent is obtained prior to reassessment. Informed parental consent need not be obtained for the reassessment of an individual with exceptional needs if the local educational agency can demonstrate that it has taken reasonable measures to obtain that consent and the parent of the child has failed to respond. To meet the reasonable measure requirements, the local educational agency shall use procedures consistent with those set forth in EC § 56381(f).

If the parent refuses to consent to the reassessment, the local educational agency may, but is not required to, pursue the reassessment by using the consent override procedures described in 34 CFR § 300.300(a)(3).

5. The local educational agency does not violate its obligations if it declines to pursue the reassessment.

Parental consent is not required before reviewing existing data as part of an assessment or reassessment, or before administering a test or other assessment that is administered to all children, unless before administration of that test or assessment, consent is required of the parents of all the children.

If the IEP team and other qualified professionals, as appropriate, determine that no additional data is needed to determine whether the pupil continues to be an individual with exceptional needs, the district, special education local plan area, or county office shall notify the pupil's parent(s) of that determination and the reasons for it, and the right of the parent(s) to request an assessment to determine whether the pupil continues to be an individual with exceptional needs; however, the district, special education local plan area, or county office shall not be required to conduct an assessment unless requested by the pupil's parent(s).

The informal review process for determining continued eligibility is generally used only when sufficient history and evidence exist that indicates continued eligibility and need for special education services and supports. If ineligibility is suspected or the available data is insufficient, a more formal assessment process would be necessary. When an IEP team and other qualified professionals determine that no additional data is needed to determine whether the pupil continues to be an individual with exceptional needs, the team will follow the EV SELPA Alternative Reevaluation Assessment process including completing the relevant forms prior to conducting the Reevaluation Individualized Education Program (IEP) meeting.

SECTION X – ASSESSMENT TO CONSIDER DISCONTINUING SERVICES

Before determining that a student no longer requires a special education service (i.e., OT services) or no longer meets eligibility in a particular category (i.e., Speech Language Impairment), the local educational agency shall conduct a reassessment of the student. The student will be assessed to determine if he/she continues to need a related service. An IEP team meeting will be held to discuss the assessment results. If the assessment indicates the student no longer requires a special education service or no longer meets eligibility in a particular category, the IEP team will make a determination regarding the student's disability designation and special education and related services.

SECTION XI – ASSESSMENT TO CONSIDER EXITING FROM SPECIAL EDUCATION

Before determining that a student no longer requires a special education service or is no longer a student with a disability, the local educational agency shall conduct a reassessment of the student. The student will be assessed in all areas related to the disability to determine if the student continues to have a disability, if the student is still eligible for special education, and if the student is still in need of special education and related services. After the assessment is completed, an IEP team meeting will be held to make a determination regarding the student's eligibility for special education and related services and whether the student should be exited from special education.

The student shall be ineligible for special education services when the impairment no longer adversely affects educational performance, when the student no longer meets eligibility criteria or when the student's needs can be met in the general education setting with accommodations. Whether a disability/impairment 'Adversely affects educational performance' must not be determined solely based on whether the student is receiving passing grades. Social/emotional needs, behavioral needs, and any other needs present in the educational environment should also be considered by the IEP team.

An assessment shall not be required before the termination of a pupil's eligibility due to graduation from secondary school with a regular diploma or due to exceeding the age of eligibility for FAPE.

For a pupil whose eligibility terminates due to graduation or exceeding the age of eligibility ("aging out"), a local educational agency shall provide the pupil with a summary of the academic achievement and functional performance of the pupil, which shall include recommendations on the manner in which to assist the pupil in meeting his or her postsecondary educational goals. The local educational agency is also required to provide the

parents or adult student with a prior written notice (PWN) before graduating the student, as graduation is legally considered a change of placement.

SECTION XII – BEST PRACTICES FOR EFFECTIVE IEPS

Scheduling the IEP

A. Since it is essential that IEP team members are available and prepared for the meeting and that meetings are held within required timelines, effective scheduling is important. In most schools the vast majority of IEP meetings held each year are Plan Reviews.

School-wide planning is important given the volume of IEPs at any particular school site. Planning the IEP schedule should take into account the time needed for different types of IEPs and flexibility in days and times to meet the needs of parents and guardians. Since the amount of time needed for an effective IEP meeting will vary depending on the needs of the student, be sure to schedule an appropriate period of time to discuss and resolve all relevant issues. Scheduling of IEP meetings back-to-back for short periods is not recommended.

The scheduling of an IEP should include verifying the availability of all staff members (including related service providers, general education teachers, administrators, interpreters, etc.) who are required to attend before scheduling the meeting.

Schools must schedule IEPs with parents or guardians at a time and place that is mutually agreed-upon. Efforts should be made to schedule or reschedule the IEP meeting at an agreeable time and location to facilitate their participation. All such efforts must be documented.

In order to encourage parent participation, school staff must explore alternative types of participation, such as individual or conference calls, or even virtually, if a parent is unable to attend in person.

Conducting an IEP Without Parent Participation

A. An LEA may conduct an IEP meeting without parents if the LEA is unable to convince the parent or guardian that he or she should attend or send a representative.

B. The LEA shall maintain a record of its attempts to arrange a mutually agreed-upon time and place.

C. To ensure the defensibility of challenging cases, it is recommended that a Prior Written Notice (PWN) be sent to the parent or guardian prior to the district's decision to hold the IEP meeting without the parents or guardians in attendance that indicates the attempts made to have the parent or guardian present, and a date by which the parent can respond to find a mutually agreeable time and place to hold the meeting. Otherwise, the district will proceed with the IEP meeting without the parent present on the date indicated on the PWN.

Administrator's Attendance at an IEP Meeting

A. A district representative (Administrator) should attend the entire IEP Team Meeting.

B. In order to offer a student a FAPE through committee district resources, he or she needs to be present to listen to the discussions regarding a student's unique needs and goals. A site administrator is in the best position to ensure the required IEP team members (e.g., the site's special and general education teachers, services provider(s), and school psychologist) attend and participate during the meeting. An administrator's presence, leadership and facilitation of the meeting can set the tone of the meeting to support the process and effective communication and student-focused processes.

C. Federal and state laws require that the district adhere to specific requirements in comprising an IEP team and in choosing an appropriate district representative whose presence is required at an IEP team meeting. Failure by the district to meet these requirements may result in a denial of FAPE and findings of non-compliance.

Preparing for the IEP Meeting

All IEP team members have valuable information to contribute regarding a student's learning, the school environment, and the student's strengths and needs. As a team, the IEP team is collaborating to establish goals, services, and priorities for the student's individualized program. Students are an important part of the IEP team, when appropriate.

The responsibilities related to preparing for the IEP meeting may belong to a variety of school staff in addition to the designated IEP team members. The following recommendations are offered to ensure an effective, productive, collaborative, and efficient IEP designed to benefit the child with a disability:

A. The staff responsible for scheduling the IEP should assure that all staff participating in the IEP meeting receive the Notice of Meeting and are available to attend.

B. The staff responsible for scheduling the IEP, case carrier, or site administrator should reserve a meeting room that has privacy, sufficient space and seating for the entire IEP meeting team and can support the effective use of any equipment that may be required.

C. The administrator/district representative should clarify the roles and responsibilities of IEP team members, including the expectations that team members:

1. Arrive at the IEP meeting on time and prepared.
2. Remain at the IEP meeting throughout the entire IEP meeting or that arrangements have been made in advance to excuse a member early, if necessary.
3. Remain attentive to the proceedings throughout the duration of the IEP meeting.
4. Do not delegate their responsibility to another staff member unless that person is able to assume the role.
5. Ensure that the cultural and linguistic needs of parents and students are incorporated into the IEP process.

The case carrier and other appropriate/designated IEP team members should review the assessment plan to ensure that all assessments have been conducted and all reports have been completed and translated, when requested, and a copy of the report has been provided to the parent if so requested. Assessors should prepare copies of their assessment reports for the meeting.

The case carrier and other appropriate/designated IEP team members should review assessment reports, including Independent Educational Evaluations (IEEs), if they are available prior to the meeting.

6. It is appropriate for staff to come prepared to IEP meetings with findings and recommendations related to components of the IEP. These may or may not be entered on the draft IEP forms and may be revised during the discussion at the IEP meeting. It must, however, be made clear to parents that such findings and recommendations are provided for review and discussion.

The case carrier and other appropriate/designated IEP team members should review information related to the student's current levels of education performance, which may include:

7. Report Cards

8. Classroom work and assessment data
9. State-wide and district-wide assessment data
10. Attendance records
11. Behavioral reports
12. Health reports
13. Reports from related services providers
14. Reports from providers of transition services
15. Information provided by parents
16. Information provided by the student

The case carrier and service providers should be prepared to present and document the degree to which the student achieved the prior annual goal.

The case carrier and service providers should draft proposed new goals and recommendations for service based on the student's present level of performance, assessment data, and progress on previous goals.

17. While decisions at an IEP meeting are to be based on input from all participants, participants may come prepared with draft recommendations for team consideration.

The case carrier, service providers and general education teacher should review the student's Supplementary Aids and Services (Accommodations, Modifications and Other Supports) to identify whether they continue to meet the student's needs or revisions need to be considered.

The case carrier and other IEP team members should be prepared to discuss recommendations for special education and related services.

The case carrier and other IEP team members should be prepared, when appropriate, to discuss any special factors that impact the student including:

18. Educational needs related to visual impairment.
19. Educational needs related to hearing impairment.
20. Educational needs related to Assistive Technology.
21. Educational needs related to Behavior.

If the IEP team may propose a change in the student's current placement, appropriate district procedures should be followed which may involve communication with the district's Special Education Administrator(s) and staff/administrator(s) from another school site or county office. Additional district staff may be required at the IEP meeting to ensure that all necessary information is available during the IEP for consideration by the team in determining the appropriate placement in the least restrictive environment to meet the student's needs.

If the IEP team may propose an assessment or services provided by an agency other than the district, the case carrier or other appropriate IEP team member should follow the district, county and/or SELPA procedure for contacting appropriate staff/agency and ensuring the referral process is completed correctly and efficiently.

Parent Preparation for the IEP Meeting

A. The case carrier or administrator should encourage and support parents to prepare for the IEP meeting by:

1. Ensuring they have a copy of their child's current IEP to review prior to the meeting, particularly the placement, services, and goals and objectives.
2. Encouraging them to visit their child's current placement, particularly if there are any concerns expressed by the parent or IEP team members regarding the current placement.
3. Encourage parents to review their child's progress reports
4. Ask the parent to share their observations of their child's progress, any concerns they would like the IEP team to address and any additional or new information regarding their child that will be relevant to the IEP team.

If parents intend to record the meeting, they must give notice to the administrator/designee or district at least twenty-four (24) hours prior to the IEP meeting. If the parent records the meeting, the district may also record the meeting and does not need parental approval. Any recording made by the district is subject to the Federal Family Educational Rights and Privacy Act (FERPA) and its confidentiality requirements. Parents may also request to review any district recording(s).

Sample IEP Agendas

Providing an IEP agenda to all participants (or having it available on the table or posted prominently in the meeting room) will provide structure to the meeting and assure all participants that all components of the IEP will be addressed with opportunity for discussion and input. The following IEP agendas for Initial, Plan Review, Reevaluation and Amendment IEPs are offered as samples.

_____ Unified School District

Initial IEP Meeting

I. Welcome, Introductions & Purpose of Meeting
   a. Establish time constraints (if necessary)
II. Parents' Rights/Procedural Safeguards
III. Parent Input, Comments and/or Concerns
IV. Present and Discuss District Evaluations
V. Discuss and Identify Disability Designation(s)
VI. Present Levels of Performance
   a. Review of Progress on Previous Assessments
   b. Discussion of Present Levels
   c. EL Needs (if appropriate)
   d. Consideration of Special Factors
   e. Progress on previous goals
VII. Transition Services (Age 15+)
VIII. Development of New Goals and Short-Term Objectives
IX. LRE & FAPE
   a. LRE, Program Setting, Transition support (if appropriate), PE & Transportation
   b. Accommodations, Modifications &/or Supports
   c. Services
   d. ESY
X. Statewide Assessment
   a. Including need for Designated Supports and/or Accommodations
XI. Offer of FAPE Including Special Education & Related Services
XII. Read IEP Team Comments Aloud
XIII. Consent to IEP and Signatures

_____ Unified School District

Annual IEP Meeting

I. Welcome, Introductions & Purpose of Meeting
II. Parents' Rights/Procedural Safeguards
III. Parent Input, Comments and/or Concerns
IV. Present Levels of Performance
    a. Review of Progress on Previous Assessments
    b. Discussion of Present Levels
    c. EL Needs (if appropriate)
    d. Consideration of Special Factors
    e. Progress on previous goals
V. Transition Services (Age 15 and older)
VI. Development of New Goals and Short-Term Objectives
VII. LRE & FAPE
    a. LRE, Program Setting, Transition support (if appropriate), PE & Transportation
    b. Accommodations, Modifications &/or Supports
    c. Services
    d. ESY
VIII. Statewide Assessment
    a. Including need for Designated Supports and/or Accommodations
IX. Offer of FAPE Including Special Education & Related Services
X. Read IEP Team Comments Aloud
XI. Consent to IEP and Signatures

_____ Unified School District

Triennial IEP Meeting

I. Welcome, Introductions & Purpose of Meeting
    a. Establish time constraints (if necessary)
II. Parents' Rights/Procedural Safeguards
III. Parent Input, Comments and/or Concerns
IV. Present and Discuss District Evaluations
V. Discuss and Identify Disability Designation(s)
VI. Present Levels of Performance
    a. Review of Progress on Previous Assessments
    b. Discussion of Present Levels
    c. EL Needs (if appropriate)
    d. Consideration of Special Factors
    e. Progress on previous goals
VII. Transition Services (Age 15+)
VIII. Development of New Goals and Short-Term Objectives
IX. LRE & FAPE
    a. LRE, Program Setting, Transition support (if appropriate), PE & Transportation
    b. Accommodations, Modifications &/or Supports
    c. Services
    d. ESY
X. Statewide Assessment
    a. Including need for Designated Supports and/or Accommodations
XI. Offer of FAPE Including Special Education & Related Services
XII. Read IEP Team Comments Aloud
XIII. Consent to IEP and Signatures

_____ Unified School District

Amendment IEP Meeting

I. Welcome, Introductions & Purpose of Meeting
    a. Establish time frame for meeting (if necessary)
II. Parents' Rights/Procedural Safeguards
III. Parent Input, Comments and/or Concerns
IV. Review of Progress on Previous Goals
V. Discussion of the purpose of the amendment
    a. Present additional assessments (as needed)
VI. Review of Actions/Outcomes
    a. Continue IEP – no changes
    b. Changes to forms indicated and discussed
    c. Offer of FAPE Including Special Education & Related Services
VII. Read IEP Team Comments Aloud
VIII. Consent to IEP and Signatures

IEP Meeting Norms

Effective, respectful communication will support and encourage collaborative, productive, and results-oriented IEP meetings. The meeting agenda will provide a roadmap for the flow of the meeting through the IEP and the use of meeting norms will provide guidance for how team members should conduct themselves during the meeting.

_____ Unified School District

IEP Meeting Norms

Goals

- Focus on listening and understanding
- Clear and concise communication
- Create an atmosphere of respect
- Win-win

Conventions

- Focus on the needs of the child
- Listen carefully with the intention to understand
- Consider the ideas and perspective of others
- Respect the perception of others
- Ask and welcome questions for clarification
- Be present and participate fully
- Honor agreed upon time commitments
- Disagree with the idea….not the person
- One person speaks at a time

Effective Communication During an IEP Meeting

The use of Alternative Dispute Resolution (ADR) strategies, language and communication tools will increase collaboration and teamwork throughout an IEP meeting. IEP team members are encouraged to use empathy and perspective-sharing in understanding the parent's experience of an IEP meeting. Team members are encouraged to ensure communications are student-centered and that all team members are working toward the goal of developing an effective and appropriate IEP for the benefit of the student.

Team members should strive to utilize language and phrases that will promote communication and direct the focus of the members to the issues and interests of the student:

- Could you provide a specific example?
- What was most important about that (conversation, incident, etc.)?
- What is the most important aspect of this dispute?
- What would you like to see done differently?
- Who are the most important parties in that situation?
- What else is important about that?
- You've talked with several people and don't seem to have a resolution yet.
- You've spent a lot of energy and time on this. What would you like to see happen?
- Please share more about how your child requires the service you are requesting.
- What would you suggest as a next step?

Team members should be empathetic and provide parents the space and opportunity to share feelings without assuming that their feelings are directed at staff. Having a child with a disability can be very stressful and overwhelming to some parents and they may need an opportunity to share their frustrations. The following phrases and language may assist in validating the feelings of parents and IEP team members:

- I can hear your frustration…. How can we help?
- You sound frustrated. Please go on.
- I can hear how important this is to you.
- This has been difficult for you. Tell me more about….
- You seem very angry and I'm willing to listen. What happened?
- And then what….
- You probably felt _____ when that happened.
- I can see how that may be confusing. Can I gather more information for you?
- I can see why you might be frustrated. Can I contact _____ on your behalf?
- The system can sometimes be confusing. How can I assist?
- This is a troubling situation for you.
- You want the very best for your child.

- It sounds like you've tried several approaches.
- It sounds like there are a lot of things going on in your child's life.
- Let's be sure we've heard what _____ just said. Would you repeat that please?
- What has worked for you at home? Do you think we could incorporate that into our classroom setting?

Team members should be mindful of the parent's and student's needs during the meeting including the opportunity to be heard and the perception that the team members were mentally present and attuned to the entire meeting. There may be times when it becomes clear that the meeting may need more time or team members may need to be reminded to attend to the agenda to keep the meeting moving forward productively. The following phrases and language may help all participants focus on the IEP process/agenda or address time issues without rushing the meeting forward in a manner that would be considered disrespectful or inconsiderate:

- It might be helpful to everyone if we establish an ending time for today's meeting and then schedule a reconvened meeting if we have more to accomplish so that we aren't rushed. What would work best for everyone?
- We have scheduled _____ amount of time for today's meeting, but we can certainly reconvene if we are unable to complete the meeting during this time frame.
- If we have not concluded by _____, we can reconvene another meeting.
- I will take responsibility for keeping track of the time.
- _____ will be facilitating our meeting today and helping all of us follow the meeting agenda to ensure we respect everyone's time and remain on-track to complete _____'s IEP meeting.
- We have provided an agenda for today's meeting. Please review it before we begin and let me know if there is a component you feel we need to cover that isn't on the agenda.
- Please review the agenda and note the order in which we'll be discussing the IEP components. This may help us all remain focused on the process.
- It sounds like you have concerns about _____ which might be better addressed in a meeting with _____. May I arrange that for you?
- Thank you for that information. I will make note of it here on my agenda so we can be sure to discuss it in section _____.
- I can hear how important that issue is to you. Please remind us to take that discussion up in section ____.
- I'd like to pause for a moment because I heard you say something very important (rephrase what was said and ask appropriate questions to gather more information or state why this information is important).
- Let's move to the next step in the process.
- I have some ideas/resources/materials on that subject and I'll be happy to share with you after the meeting if you have time (or offer to call or meet later or send information electronically).

There are some phrases and language that may be misinterpreted or imply that the student is not the focus of the team and the IEP. These phrases can be detrimental to the IEP process and the relationship with parents and/or team members. <u>The following are offered as phrases/statements to be avoided during an IEP meeting:</u>

- I don't know since I don't have him/her in class all day.

- I don’t teach that.
- I didn’t know the student had an IEP.
- I didn’t know the IEP had that Accommodation (or Modification or Support).
- I can’t implement that in my classroom.
- I can’t do that in my class – it wouldn’t be fair to the other students.
- The student doesn’t fit into my groups.
- We’ve already covered that in class and we don’t have time to review it again.
- Students are not allowed to use calculators in my class.
- I think s/he just isn’t trying to do the work.
- No one is allowed to bring a laptop or recorder into my classroom.
- If s/he can’t copy the notes from the board fast enough, s/he can ask another student for their notes.
- I don’t assign groups, so I don’t have control over which group s/he is in for projects.
- I don’t accept any late assignments.
- If s/he can’t read and pass the test independently, s/he won’t be able to use any of the woodshop tools.
- Groups don’t work in my class because I can’t tell how much work each student completed.
- I don’t think your child fits into any programs at this site.
- I don’t have the training or credential to teach a student with a disability in my class.

CHAPTER VI – ENGLISH LEARNERS WITH DISABILITIES

This section provides information and resources regarding best practices and regulatory requirements for identifying, providing services, and reclassifying English Learners (EL) with disabilities.

SECTION I – SUPPORTS FOR ENGLISH LEARNERS WITHIN A MULTI-TIERED SYSTEM OF SUPPORTS (MTSS) FRAMEWORK

California's Multi-Tiered System of Supports (MTSS) model establishes an integrated and comprehensive framework focused on quality teaching and learning for all students in all content areas, which includes comprehensive English language development (ELD) for English learners, along with any necessary supplemental and intensive instruction students may need to be successful. Created to meet the needs of all students, this framework unifies and amplifies the range of support systems for English learners, students with disabilities, students who are identified as gifted and talented, and students who are academically underperforming and at risk of not succeeding. A key notion of the MTSS model is that all students can be academically successful, and that instruction and support systems must be designed to be accessible to all learners.

Because the MTSS framework is designed to support all students, an important question regarding English learners is this: What must be explicitly leveraged in California's MTSS framework to specifically support English learners? This chapter addresses this question and in doing so provides guidance and a systematic pre-referral process for avoiding over- identification and under-identification of English learners for special education services.

Student-centered learning and close attention to addressing individualized student needs, beginning with the core instruction in which all students are enrolled, is at the heart of California's MTSS. For this reason, the MTSS aligns all systems necessary for all students' academic, behavioral, and social-emotional supports with an understanding that these supports are interrelated and work together to promote student academic achievement and overall well- being.

Implementing the MTSS framework in California schools involves using comprehensive and systematic processes to identify and address student needs to facilitate each individual student's highest level of achievement. Collaboration of teaching teams, including program specialists and English specialists to provide effective services to students is vital, as is the collaboration of site and LEA leadership teams in designing, implementing, and cultivating the needed systems for student success. All decisions in the MTSS framework are data-driven, informed by evidence and research, and based upon multiple assessment methods for ascertaining student knowledge and skills. Although this chapter primarily addresses guidance for teachers and school and LEA administrators, the MTSS encompasses a whole system approach and involves all participants in the LEA, including students, families, communities, and policymakers. In the MTSS framework, "all" means "all."

In the MTSS framework, evidence-based practice is essential. Careful selection and effective implementation of evidence-based practices that have been shown to be effective for English learners is critical in all tiers of instruction. Evidence-based core instruction, supplemental supports, and interventions for English learners must address their particular academic, linguistic, social-emotional, and behavioral learning needs, which will vary by the range of diverse groups of English learners (e.g., immigrant, migratory, long-term, newcomer). Culturally and linguistically relevant, responsive, and sustaining practices are paramount.

These high quality multi-tiered instruction and interventions are based on state guidance in California's standards and curriculum frameworks, including the CA ELD Standards and ELA/ ELD Framework. Delivered through high quality instruction in a single schoolwide, standards- based accountability system, the tiered system is driven by data-based and evidence-informed decision-making. In an effective and inclusive MTSS framework, students

of color, ethnically diverse students, English learners, students living in poverty, and students with disabilities are expected to succeed because they are provided with equitable opportunities to learn.

When English learners are not making progress in academic achievement, teams of educators must ask whether the students' instruction, which includes comprehensive ELD, has been evidence-based, standards-aligned, and culturally and linguistically appropriate and whether it has been of sufficient quality. This is important to avoid assigning Tier II and Tier III interventions or referral to special education services when what is happening is a lack of appropriate instruction for English learners. Some English learners will be identified, through a systematic process described in this guide, as having a disability or multiple disabilities and will need special education services. It is through a clear system of tiered supports and pre- referral processes that it can be ascertained if they will need these services. The interventions provided within the MTSS framework are recognized as pre-referral core instruction and interventions.

(Source: California Practitioners' Guide for Educating English Learners with Disabilities, California Department of Education, 2019.)

SECTION II – LEGAL STANDARDS AND THE IDENTIFICATION OF STUDENT'S PRIMARY LANGUAGE

State and federal law require that all students whose primary language is other than English be assessed for English Language Proficiency (ELP). The legal basis for requiring English proficiency testing is that all students have the right to an equal and appropriate education, and any English language limitations (left unidentified and/or unaddressed) could preclude a student from accessing that right.

State law (California Education Code [EC] sections 313 and 60810) and federal law (Titles I and III of the Elementary and Secondary Education Act [ESEA]) require that LEAs administer a state test of ELP and develop Annual Measurable Achievement Objectives (AMAOs) for:

A. Newly enrolled students whose primary language is not English as an Initial Assessment (IA); and,

B. Students who are English Learners as an Annual Assessment (AA). For California's public school students, this test is the English Language Proficiency Assessments for California (ELPAC).

The English Language Proficiency Assessments for California (ELPAC) is the required state test for English language proficiency (ELP) that must be given to students whose primary language is a language other than English. State and federal law require that local educational agencies administer a state test of ELP to eligible students in kindergarten through grade twelve. The California Department of Education (CDE) transitioned from the California English Language Development Test (CELDT) to the ELPAC as the state ELP assessment in 2018. The ELPAC is aligned with the 2012 California English Language Development Standards. It consists of two separate ELP assessments: one for the initial identification of students as English learners (ELs), and a second for the annual summative assessment to measure a student's progress in learning English and to identify the student's level of ELP.

The Initial ELPAC has one purpose:

A. To identify students who are ELs or are initial fluent English proficient (IFEP)

The Summative ELPAC has two purposes:

A. To determine the level of ELP of EL students

To assess the progress of EL students in acquiring the skills of listening, speaking, reading, and writing in English

All students in kindergarten through grade twelve (K–12), ages three through twenty-one, whose primary language is a language other than English must take the initial ELPAC to determine whether they are ELs. This must be done within 30-calendar days after they are first enrolled in a California public school or 60-calendar days prior to instruction, but not before July 1, per ELPAC regulations. The Summative ELPAC must be given annually to students identified as ELs until they are reclassified to fluent English proficient (RFEP) and is usually administered in a testing window running from February through May.

Source: "2019-20 English Language Proficiency Assessments for California: Information Guide," California Department of Education, 2019, or at:

https://www.cde.ca.gov/ta/tg/ep/documents/elpacinfoguide19.pdf

Other Federal Regulations and Case Law Related to ELs in Special Education

- Civil Rights Act (1964)
- 1970 – It is a violation to exclude children from effective participation in school because they cannot understand English.
- Diana vs. State Board of Education (1970) – One cannot identify a child as mentally retarded based on IQ tests administered in English. The child must be assessed in his/her first language and in English or use nonverbal IQ tests.
- Larry P. v. Riles – One cannot use IQ tests - thus, tests must be validated for use with the specific populations.
- Individuals with Disabilities Education Act (IDEA) (1975); 1997 & 2004 amendments – ELs are not eligible for services if their learning problems are primarily the result of environmental, cultural, or economic disadvantage. Evaluation and placement procedures must be conducted in the child's native language unless it is not feasible to do so (example– a child who has been in the American school system for 12 years). Parents must understand proceedings of IEP meetings to provide informed consent. They must know they have the right to an interpreter at no cost. The multidisciplinary team must consider the language needs of ELs when developing, reviewing, or revising IEPs. (IDEA 2004)

American Sign Language

For purposes of ELPAC testing and Title III services, American Sign Language (ASL), in and of itself, is not considered a "language other than English," according to the US Department of Education (ED). Students who use ASL for communication and have not been exposed to any language other than English should not be considered for ELPAC testing. For a student who uses ASL for communication because of deafness or hearing impairment, and for whom there is another primary language other than English indicated on the student's HLS, the individualized education program (IEP) team should consider (1) ELPAC testing with appropriate universal tools, designated supports, and accommodations; or (2) alternate assessment(s).

Hearing students of deaf parents who use ASL as the primary means to communicate upon entering school and who have been exposed to a language other than English by another adult, such as a grandparent or a caregiver, may be considered for ELPAC testing. The LEA may consider ELPAC testing in addition to other appropriate language assessments to determine whether the child may benefit educationally from English language development (ELD) instruction. The LEA should base its decision to administer the ELPAC on whether the student has been exposed to another language other than English, not on the basis of whether the hearing student of deaf parents uses ASL in the home.

Federal Guidance for Learners with Disabilities

In accordance with the ED guidance issued in July 2014, the ED requires that all ELs with disabilities participate in the state's ELP assessment. Federal law requires that all ELs with disabilities participate in the state ELP assessment in the following ways, as determined by the IEP team:

A. In the regular state ELP assessment without universal tools, designated supports, and accommodations
B. In the regular state ELP assessment with universal tools, designated supports, and accommodations determined by the IEP team or Section 504 team
C. In an alternate assessment aligned with the state's ELD standards, if the IEP team determines that the student is unable to participate in the regular ELP assessment with or without universal tools, designated supports, and accommodations

Role of the IEP Team

The IEP team is an essential component in establishing the appropriate academic and functional goals, determining the specifically designed instructional program to meet the unique needs of all ELs with disabilities, and making decisions about how students can participate in the state ELP assessment. In accordance with the new ED guidance, the IEP team is responsible for:

A. Making decisions about the content of a student's IEP, including whether a student must take a regular state assessment (in this case, the ELP assessment), with or without appropriate universal tools, designated supports and/or accommodations, or an alternate assessment in lieu of the regular ELP assessment (ED, July 2014, FAQ #4).
B. Developing an IEP for each student with a disability, including each EL with a disability, at an IEP team meeting, which includes school officials and the child's parents/guardians. The Individuals with Disabilities Education Act (IDEA) regulation in Code of Federal Regulations, Title 34, (34 CFR) Section 300.321(a) specifies the participants to be included on each child's IEP team. It is essential that IEP teams for ELs with disabilities include persons with expertise in English language acquisition and other professionals, such as speech-language pathologists, who understand how to differentiate between English proficiency development and a disability (ED, July 2014, FAQ #5).
C. Ensuring that ELs' parents or guardians understand and are able to meaningfully participate in IEP team meetings at which the child's participation in the annual state ELP assessment is discussed. If a parent whose primary language is other than English is participating in IEP meetings, the IDEA regulations require each public agency to take whatever action necessary to ensure that the parent understands the proceedings of the IEP team meeting, including arranging for an interpreter (34 CFR Section 300.322[e]). When parents themselves are ELs, Title VI of the Civil Rights Act of 1964 also requires that the LEA effectively communicate with parents in a manner and form they can understand, such as by providing free interpretation and/or translation services (ED, July 2014, FAQ #6).
D. Ensuring that all ELs, including those with disabilities, participate in the annual state ELP assessment, with or without universal tools, designated supports, and accommodations or take an appropriate, locally determined alternate assessment, if necessary (ESSA Section 1119[b][7] and IDEA Section 612[a][16][A]). An IEP team cannot determine that a particular EL with a disability should not participate in the annual state ELP assessment (ED, July 2014, FAQ #7). However, IEP teams can make the determination, on a student-by-student basis, that an alternate assessment to the ELP be administered.

Administration of ELPAC

According to 5 CCR sections 11511 and 11516 through 11516.7 (Division 1, Chapter 11, Subchapter 7.5) as well as EC Section 313, the initial and summative administration of the ELPAC are the responsibilities of the LEA. Most students with disabilities are able to participate effectively on the ELPAC. For students whose disabilities preclude them from participating in one or more domains of the ELPAC, their IEP teams may recommend accommodations or an alternate assessment (see EC Section 56385, 5 CCR 11516.5 through 11516.7).

In accordance with 34 CFR sections 300.304 through 300.305, initial identification for determining whether a student is a student with a disability takes into consideration existing data, which includes LEA and statewide assessments. For those who participate in programs for students with disabilities, the LEA may be a school district, an independent charter school, the county office of education, or a state special school.

When an EL with disabilities is not able to take the ELPAC (the entire test or any portion of it), that information is shared at the IEP team meeting. IEP team members may determine that alternate assessments are appropriate and necessary. Per the ED, the alternate assessment must be aligned with the ELD Standards. The results of alternate assessments and/or the ELPAC are part of the current levels of performance in the IEP. The scores or performance levels are a part of the information considered by the team to develop linguistically appropriate goals (EC sections 56341.1[b] and 56345[b][2]).

Because such alternate means of assessments fundamentally alter what the ELPAC measures, students receive the lowest obtainable scale score (LOSS) on each domain affected. Caution should be used when interpreting results because the LOSS on one or more domains may lower the Overall performance level on the ELPAC. The LOSS on the ELPAC will be used to calculate the ELPI for Title I accountability purposes. If the student is not reclassified, the LOSS will be entered as the "Most Recent Previous Scale Score(s)" at the next year's administration of the ELPAC.

Because of the unique nature of individual students' disabilities, the CDE does not make specific recommendations as to which alternate assessment instruments to use. However, the appropriate alternate assessment must be identified annually in a student's IEP. The LEA must ensure that the IEP team includes an individual who can interpret the instructional implications of evaluation results (e.g., an ELD specialist to interpret ELPAC results) (34 CFR Section 300.321[a][5]). Identified ELs with disabilities must take the ELPAC with any accommodations specified in their IEP or take appropriate alternate assessments, as documented in their IEP, every year until they are reclassified.

When a student's IEP or Section 504 plan specifies that the student has a disability for which there are no appropriate accommodations for assessment in one or more of the Speaking, Listening, Reading, and Writing domains, the student shall be assessed in the remaining domains in which it is possible to assess the student, per 34 CFR Section 200.6. A student may be assigned an overall score only if assessed in both oral and written language. To be considered as having been assessed in oral language, the student must have been assessed in either Speaking or Listening. To be considered as having been assessed in written language, the student must have been assessed in either Reading or Writing.

Step 1: Determination of Student's Primary Language

In accordance with EC Section 60810(d), one of the purposes of the ELPAC is to identify students who are ELs. The term "English learner," when used with respect to an individual, means an individual:

A. who is aged 3 through 21;

B. who is enrolled or preparing to enroll in an elementary school or secondary school.

C. who was not born in the United States or whose native language is a language other than English.

1. who is a Native American or Alaska Native, or a native resident of the outlying areas; and
2. who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
3. who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual:

4. the ability to meet the challenging State academic standards;
5. the ability to successfully achieve in classrooms where the language of instruction is English; or
6. the opportunity to participate fully in society. (ESEA Section 8101[20])

For all students in K–12, upon first enrollment in a California public school, the LEA uses a standardized procedure to determine a student's primary language. This procedure begins with a Home Language Survey (HLS), which is completed once by the parent or guardian at the time the student is initially enrolled in a California public school. The HLS should not be readministered every year nor readministered if a student enrolls in a new LEA.

If the HLS is completed in error, the parent or guardian may make a request to change it prior to the assessment. However, once a student is identified as an EL on the basis of the results of the Initial ELPAC, and the student has been administered the Summative ELPAC, changing the HLS will not change the student's identification.

A sample HLS is available on the CDE English Learner Forms web page at:

https://www.cde.ca.gov/ta/cr/elforms.asp

The State Board of Education (SBE) approved the following guidelines for interpreting the sample survey:

- If a language other than English is indicated on any of the first three questions, the student should be tested with the Initial ELPAC.
- If a language other than English is indicated on the fourth question, the student may be tested at the LEA's discretion.

Step 2: Assessment of English Language Proficiency

Kindergarten through Grade Twelve LEAs will use the LST, found in TOMS, to calculate the official Initial ELPAC score. The Initial ELPAC has three performance level descriptors.

Please refer to page 30 for the full descriptions of the performance levels.

- IFEP
- Intermediate EL
- Novice EL

Students in K–12 are considered to have met the ELPAC criterion for English proficiency when the Overall score is in the IFEP range.

(Source: “2019-20 English Language Proficiency Assessments for California,” California Department of Education, 2019.)

Decision Guide for Placement of English Learners

LEAs administer an HLS to all students enrolled for the first time in a California public school.

A. If the survey results indicate English as the primary language, no further testing is required. A regular instructional program is implemented.
    1. If the student struggles to perform in the classroom later in the student’s educational career, a correction process can be initiated as laid out on page 16.

If the survey results indicate a primary language other than English, an Initial ELPAC administration is required.

If a parent/guardian disagrees with the results of the HLS, a correction of the HLS can be pursued prior to the administration of the Initial ELPAC assessment.

The Initial ELPAC is administered for the purpose of classifying students, resulting in one of two general classifications: IFEP or EL.

A. In the event of IFEP classification, the student is considered to have met the ELPAC criterion for English proficiency, and no further testing is required. A regular instructional program is implemented.
    1. If the student struggles to perform in the classroom later in the student’s educational career or if the LEA receives a contradictory score as part of the Rotating Score Validation Process and determines that the student should be classified as an EL, the LEA can use this as part of evidence for a correction process to be initiated.

If the Initial ELPAC is administered to the incorrect student, a correction process is initiated, and no record of scores shall be maintained.

If a parent/guardian or a certificated employee of the LEA disagrees with the results of the Initial ELPAC, a review of the classification can be pursued prior to the administration of the Summative ELPAC assessment (if applicable). The Summative ELPAC is administered to ELs annually until reclassification criteria are met and the student is classified as RFEP.

In the event of RFEP classification, a regular instructional program is implemented, and the student’s progress is monitored for four years following reclassification.

SECTION III – LINGUISTICALLY AND CULTURALLY SENSITIVE ASSESSMENTS TO DETERMINE SPECIAL EDUCATION ELIGIBILITY

The California Practitioners’ Guide for Educating English Learners with Disabilities contains comprehensive guidance on the proper assessment considerations across a wide variety of topics, including:

A. Determining a Student’s Primary Language
B. Determining Language of Assessment
C. Assessor Sensitivity to Linguistics and Culture
D. Recommended Use for Interpreters for Bilingual Assessments
E. Language of Assessment Options

F. Academic Assessment Options for English Learners

G. Multiple Measures of Student Progress

Assessments must be "provided and administered in the language and form most likely to provide accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is not feasible to provide or administer" (*EC* 56320[b][1]) (accessible at: https://bit.ly/2V1FROH). Determining how best to assess an
English learner to come to valid and reliable assessment results is not an easy task. Language acquisition must be taken into account when making decisions about how best to assess an English learner to avoid language barriers or cultural bias.

Multidisciplinary team members assessing English learners determine, through multiple measures, which language used during assessment will produce the most reliable result. They review and evaluate the English interpersonal communication skills (or document the current results of the ELP statewide assessment such as ELPAC) and include data from formal and informal assessments that measure the literacy-related aspects of language to determine the best language for assessment. For example, team members informally assess the language development of English learners by analyzing the student's ability to understand teacher-talk or reading comprehension through re-tell assessments. Unless these skills are analyzed and measured, teachers may attribute low achievement to learning disabilities when they may, in fact, be related to lack of academic language proficiency.

SECTION IV – LINGUISTICALLY APPROPRIATE IEP GOALS FOR ENGLISH LEARNERS WITH DISABILITIES

To properly meet the complex needs of students identified as English learners with disabilities, education professionals from various disciplines must effectively collaborate and involve families in the IEP process. This requires that general education teachers, special educators, and English learner specialists consult and collaborate to design and implement effective individualized education programs (IEPs) and services for English learners with disabilities to ensure optimal educational outcomes for this diverse group of learners. This section includes information on development of linguistically appropriate IEPs, required IEP components for the English learner student and other legal requirements related to the English learner's IEP.

The IEP team must "consider the language needs of the student as these needs relate to the student's IEP" (EC 56341.1[b][2]) (accessible at: https://bit.ly/2UirlxH). Specifically, the IEP must include "linguistically appropriate goals, objectives, programs and services" as required by EC 56345(b)(2) (accessible at: https://bit.ly/2UEfW0f).

In the development of IEP goals, 5 CCR 3001(m) (accessible at: https://bit.ly/2IBU8La) identifies "linguistically appropriate goals, objectives, and programs" to mean:

A. Activities which lead to the development of English Language proficiency

B. Instructional systems either at the elementary or secondary level which meet the language development needs of the English learner and

C. For individuals whose primary language is other than English, and whose potential for learning a second language, as determined by the IEP team, is severely limited, the IEP team may determine that instruction may be provided through a language acquisition program, including a program provided in the individual's primary language. The IEP team must periodically, but not less than annually, reconsider the individual's ability to receive instruction in the English language.

IEP teams might find the following resources helpful in writing linguistically appropriate goals:

A. the main CDE web page for standards-aligned IEPs which is accessible at: https://bit.ly/2XjIs3R

B. a seven-step process for creating standards-based IEPs from the National Associate of State Directors of Special Education (NASDSE) is accessible at: http://bit.ly/2Ls4bpo (While not specific to English learners, the process described can be modified to meet the needs of English learners.)

C. Source: California Practitioners' Guide for Educating English Learners with Disabilities, California Department of Education, 2019, at https://www.cde.ca.gov/sp/se/ac/documents/ab2785guide.pdf

Each school district of the EV SELPA has in place policies and procedures to ensure that teachers who provide instruction to English learners with disabilities have the appropriate special education credentials as well as supplementary authorization to provide English language development and primary language support (e.g., CLAD, BCLAS, or equivalent) and notifies special education administrators and staff about the policies and procedures. Additionally, each school district of the EV SELPA has in place a mechanism for reviewing the special education credentials of instructors who provide English language development and primary language support (e.g., CLAD, BCLAD or equivalent). For more information, contact the personnel or human resources departments of the schools districts within the EV SELPA.

SECTION V – RECLASSIFICATION INFORMATION

Reclassification Criteria

The reclassification criteria set forth in California Education Code (EC) Section 313 and California Code of Regulations, Title 5 (5 CCR), Section 11303 remain unchanged. Pursuant to 5 CCR Section 11308 (c)(6), any local reclassification procedures must be reviewed by the school district advisory committee on programs and services for English learners (ELs). An English learner with a disability may be unable to meet a particular reclassification criterion due to the specific nature of his disability. For example, an English learner with dyslexia may continue to be classified as an English learner due to less than proficient ELPAC scores in reading. LEAs should continue using the following four criteria to establish reclassification policies and procedures (considerations for ELs with disabilities are provided for each):

Criterion One: Assessment of ELP (using an objective assessment instrument, including, but not limited to, the state test of English language development [ELD])

A. Assessment of ELP using an objective assessment, including but not limited to the ELPAC, is one of four criteria, in state law per EC 313(f), to be used by LEAs in determining whether an English learner should be reclassified as RFEP. The IEP team can use the scores from an alternate assessment aligned with the state 2012 CA ELD Standards for reclassification purposes. An alternate assessment may be used to measure the student's ELP on any or all four domains in which the student cannot be assessed using the ELPAC.

B. For purposes of Title I accountability requirements, a student assessed with a locally determined alternate assessment, will receive the lowest obtainable scale score (LOSS) on the ELPAC for each domain tested with an alternate assessment. The IEP team, however, may use results from the alternate assessment in conjunction with the other required criteria (i.e., teacher evaluation, parental opinion and consultation, and the student's scores on an assessment of basic skills) to determine a student's eligibility for reclassification. Once the Alternate ELPAC is operational, there will be criteria established for reclassification based on a student's performance.

Criterion Two: Teacher evaluation (including, but not limited to, a review of the student's curriculum mastery)

A. The student's academic performance information, that is based on the student's IEP goals for academic performance and ELD, should be used for reclassification consideration.

Criterion Three: Parent opinion and consultation

A. The parent or guardian should be encouraged to be a participant on the IEP team and in understanding and making a decision on reclassification.

Criterion Four: Comparison of student performance in basic skills (compared against an empirically established range of performance in basic skills based on the performance of English proficient students of the same age).

A. The IEP team should specify in the student's IEP an assessment of basic skills to meet the guidelines for reclassification (e.g., the California Alternate Assessment for English language arts). The IEP team may consider using other assessments that are valid and reliable and designed to compare the basic skills of English learners with disabilities to primary speakers of English with similar disabilities to determine whether the English learner with disabilities has sufficiently mastered the basic skills for reclassification consideration.

B. The CDE cannot make specific recommendations of alternate assessment instruments because it is the responsibility of the IEP team to gather pertinent information regarding the student and assessment needs specific to that student. The IEP team may use this comprehensive approach to make decisions regarding program supports and reclassification that will allow the student to make maximum progress, given the student's capacities.

The CDE has provided guidance to LEAs for using Smarter Balanced Summative Assessment results as a local measure of Criterion 4. LEAs also have been advised that local assessments can be used to identify ELs who meet academic measures indicating they are ready to be reclassified. This guidance can be found in "Updated Reclassification Guidance for 2018–19," on the CDE Reclassification web page at: https://www.cde.ca.gov/sp/el/rd/.

CHAPTER VII – INSTRUCTIONAL PLANNING, IEP IMPLEMENTTION, & STUDENT GRADING

Since 1997, the Individuals with Disabilities Education Act (IDEA) required that "children with disabilities are included in general education programs, with appropriate accommodations or modifications in administration, if necessary" to the greatest extent possible dependent on the needs of the child. The No Child Left Behind Act also requires that students with disabilities be included in State accountability systems

The information provided here is to serve as guidance for best practices in selecting, administering, and evaluating access via universal tools, designated supports, adaptations, accommodations and/or modifications in instruction and assessment.

Included in this section are guidelines in the following areas:

A. Common Core State Standards;

B. IEP Guidelines, Accommodations, and Assessment;

C. Grades, Report Cards and Transcripts for Students with Disabilities.

SECTION I – COMMON CORE STATE STANDARDS AND STUDENTS WITH DISABILITIES

All students are included in the current focus on standards, assessment and accountability and the push to ensure equal access to grade level content standards. California adopted the Common Core State Standards (CCSS) for English Language Arts (ELA) and Math as the framework for grade level academic expectations. The CCSS articulate rigorous grade-level expectations in the areas of ELA and Math. The goal of the CCSS is develop a set of shared national standards ensuring that students in every state are held to the same level of expectations that students in the world's highest-performing countries are, and that they gain the knowledge and skills that will prepare them for success in postsecondary education as well as global workforce.

To assist students to be college and career ready, the CCSS has anchor standards for both ELA and Math.

The anchor standards for ELA focus on:

A. Demonstrating independence

B. Building strong content knowledge

C. Responding to the varying demands of audience

D. Task, purpose, and discipline

E. Comprehending as well as critiquing

F. Value evidence

G. Using technology and digital media strategically and capably and,

H. Coming to understanding about other perspectives and cultures

The anchor standards for Math focus on:

A. Being academically prepared to solve problems involving the major content with connections to the mathematical practice

B. Solving problems involving the additional and supporting content with connections to the mathematical practices

C. Expressing mathematical reasoning by constructing mathematical arguments and critiques

D. Solving real world problems and

E. Engaging, particularly in modeling practice.

Content Standards

It is important to recognize that today's education system is driven by standards, assessment, and accountability measures such as promotion and retention criteria. These principles and practices apply to all students, including students with disabilities.

Content standards were designed to encourage the highest achievement of every student, by defining the knowledge, concepts, and skills that students should acquire at each grade level.

The content standards adopted by the California State Board of Education (SBE) include:

- Common Core State Standards for English Language Arts, Adopted August 2010 (PDF;2MB) (Modified March 2013 Publication Version)
- California Common Core State Standards for Mathematics, Adopted August 2010 and Modified January 2013 (DOC; 6MB) (April 2014 Version)
- English Language Development, 2012 (Updated 2019)
- Career Technical Education (Updated January 2013 Prepublication Version)
- Health Education Content Standards March 2008 (PDF; 1MB)
- History-Social Science, Adopted October 1998 (PDF)
- Model School Library Standards, Adopted September 2010 (PDF; 1MB)
- Physical Education Model Content Standards, Adopted Jan-2005 (PDF; 2MB)
- Science Adopted, September 2013 Visual and Performing Arts, Adopted January 2001(PDF; 2MB)
- World Language, Adopted January 2009 (PDF; 4MB)

Each local Board of Education has adopted standards matching or aligned with the state standards. The SBE has also adopted instructional materials designed to cover the core and ELD curriculum standards. The local boards have authority to decide the instructional materials to be utilized in each content area and/or program and generally adopt the SBE approved materials along with supplementary or alternate instructional materials. In addition, the local Board of Education must establish policies and procedures related to the promotion and retention of students.

Universal Design for Learning

The California Department of Education's (CDE) Common Core State Standards Systems Implementation Plan for California (2013), states,

Fundamental to California's concept of successful instruction is the assurance of universal access for all students – which means that all students must have meaningful access to the content in order to achieve their own highest potential. The CDE continues to strive to ensure that instructional resources, including those that are developed to support student attainment of the CCSS, are designed to meet the many different needs of California's diverse

student population, including gifted students, adult students, English learners, migrant students, and students with disabilities as well as students with disabilities who are English learners.

The Common Core State Standards for English Language Arts (2013) further states,

the Common Core State Standards should also be read as allowing the widest possible range of students to participate fully from the outset and as permitting appropriate accommodations to ensure maximum participation by students with special education needs. For example, for students with disabilities reading should allow for the use of Braille, screen-reader technology, or other assistive devices, while writing should include the use of a scribe, computer, or speech-to-text technology. In a similar vein, speaking and listening should be interpreted broadly to include the use of sign language.

Provision of Additional Supports and Services for Students with Disabilities

Students with disabilities are a heterogeneous group with one common characteristic: the presence of disabling conditions that significantly hinder their abilities to benefit from general education (IDEA 34 CFR §300.39, 2004). Therefore, *how* these high standards are taught and assessed is of the utmost importance in reaching this diverse group of students (National Center on Educational Outcomes, 2012). The common core initiative does not address the specifics of writing an individualized education plan (IEP), but the expectation is that students with disabilities are challenged to excel within the general curriculum and be prepared for success in their post-school lives, including college and/or careers.

Promoting a culture of high expectations for all students is a fundamental goal of the CCSS. In order to participate with success in the general curriculum, students with disabilities may be provided additional supports and services as appropriate. These may include instructional supports for learning based on the principles of Universal Design for Learning, which fosters student engagement by presenting information in multiple ways and allowing for diverse avenues of action and expression. Instructional accommodations can change materials or procedures that do not change the standard but allow students to learn within the framework of the Common Core. Assistive technology devices and services may also be needed to ensure access to the general education curriculum and CCSS (CDE, November 2013).

Some students with the most significant cognitive disabilities may require substantial supports and accommodations to have meaningful access to certain standards in both instruction and assessment based on their communication and academic needs. These supports should ensure that students receive access to multiple means of learning and opportunities to demonstrate knowledge while also retaining the rigor and high expectations of the CCSS (CDE, November 2013).

The inclusion of all students in statewide assessment and accountability systems is not merely a legal obligation; it is a mechanism for ensuring that all students, including those with disabilities, are included in the general education curriculum. Federal and state laws stress the importance of documenting accommodations and/or modifications for instruction and assessment in the student's IEP as noted below:

A. Supports and related services designed to meet the unique needs of these students and to enable their access to the general education curriculum

B. An Individualized Education Program (IEP), which includes annual goals aligned with and chosen to facilitate their attainment of grade-level academic standards

C. Teachers and specialized instructional support personnel who are prepared and qualified to deliver high quality, evidence-based, individualized instruction and support services

Supports for one student may not necessarily be the same in all situations and/or content areas. By providing multi-level instruction teachers will find that adapting a lesson may not always be necessary. Differentiating

instruction and providing multiple ways to assess allows more flexibility for students to meet the standards and requirements of the class. It is critical that students have opportunities to practice utilizing the strategies selected for assessments within their regular instructional program.

The Council of Chief School Officers (CCSSO) developed a five-step process to guide users in selecting, administering, and evaluating accommodations for instruction and assessment.

The following steps were adopted by the California Department of Education (CDE) and are listed below.

A. Expect students with disabilities to achieve grade level academic content standards
B. Learn about accommodations for instruction and assessment
C. Select accommodations for instruction and assessment
D. Administer accommodations during instruction and assessment
E. Evaluate and improve use of accommodations

Only universal tools, designated supports, adaptations, accommodations, and/or modifications (herein referred to as "accommodations") that have been proven to be successful for a specific student should be written into the student's IEP. Rather than selecting items from a generic list, team members need to carefully consider and evaluate the effectiveness of the "accommodations."

The CDE Accommodations Guide showcases the seven-step model for selecting what to try for instruction.

1. Identify Classroom Demands: This involves analyzing the content being taught, how it is being presented, and how students are expected to respond. Other factors to consider are the physical setting, social demands, level of sustained attention required, and prerequisite skills.
2. Note Student Strengths and Needs: It is important to know the common characteristics of the student's disability and their effect on learning. Equally important is a student's unique profile of interests, strengths and needs.
3. Check Potential Areas of Student Success: Predict which tasks or portions of a task the student will be able to succeed on without adaptations. Teams should avoid over- accommodating or providing unnecessary accommodations.
4. Look for Potential Problem Areas: Given knowledge about the student and the demands of the tasks, each potential problem area should be listed.
5. Use Information to Brainstorm Accommodations: At this point IEP team members use the information they have gathered to brainstorm appropriate accommodations.
6. *Decide Which Accommodations to Implement*: Decide on strategies to be used on a trial basis. Teach the student, and possibly the staff member too, on how to use the accommodation strategies.
7. Evaluate Student Progress: Evaluate student progress while using the accommodations to see if it makes a difference in student performance. If yes, then consider writing it into the IEP.

Once appropriate "accommodations" have been identified and confirmed as effective in mitigating the effects of the student's disability, staff members need to ensure that they are being administered correctly. This role typically falls to the case manager. First, the case manager needs to know that the student knows how to use the accommodation effectively.

This may require instruction, practice, and monitoring. Secondly, staff members working with the student need to understand the purpose and appropriate way to provide the "accommodations" and any specific personalization the student needs. Thirdly, there needs to be accountability that the accommodation is being implemented with fidelity and consistency. This can transpire via ongoing communication and collaboration among team members.

SECTION II – IEP GUIDELINES, ACCOMMODATIONS, AND ASSESSMENT

IEP Guidelines

The provision for accommodations and modifications is addressed in several places throughout the IEP. The IEP teams are required to address the areas listed below.

A. Supports for Participation in General Education Activities. Identify the supports a student will need to participate in general education activities.

Standards-Based Promotion. Describe the instructional accommodations or modifications a student will need in order to progress in grade-level content curriculum. These must be explicitly described and related to the areas of weakness described in the present level of performance.

A. Describe the instructional accommodations or modifications a student will need to participate in State and District-wide assessments. Recommended accommodations or modifications must be allowable by the State and used in daily instruction. The testing matrix (see web address) will assist in identifying allowable accommodations and modifications.

B. Check the curriculum in which the student will be participating.

    1. District curriculum for his/her grade level.

    2. District general education curriculum using accommodations/modifications.

Subsequent to the IEP meeting, information regarding the designated accommodations and modifications selected for the student must be provided to all personnel working with the student.

A. Does the disability impact the student's ability to meet District grade level standards? If yes, discuss how the student's disability affects the student's learning and how this influences the student in meeting promotion standards. For example, a student who has difficulty with visual processing will have to be taught alternative strategies for mastering reading skills. This may impact the materials used for instruction and the time required for the student to master specific skills.

B. Is the student expected to meet grade level promotion standards? If the answer is yes, discuss whether the student should participate in a District Intervention Program in order to meet the standards.

C. What accommodations and/or modifications are necessary to help the student progress in the general curriculum? Accommodations are changes to how the student demonstrates mastery of skills associated with meeting grade level standards. For example, the student is permitted to do fewer math problems or audiotape a report rather than using a word processor or handwriting.

Modifications are changes to the content of instruction. For example, a student might learn the major concepts leading to the Revolutionary War and not be expected to learn the historical facts. Note: The ongoing use of modifications may impact meeting promotion and graduation standards.

A. What accommodations and/or modifications are necessary for a student in grades 7-12 to complete the District's prescribed course of study and to meet or exceed the proficiency standards necessary for graduation?

Accommodations, modifications, or services in non-academic and extra-curricular activities

Non-academic and extra-curricular activities are those activities provided or sponsored by the school or District available to other students in the school. They do not include other community-based activities. Identify the staff who will be responsible for providing the accommodations, modifications or services. In the IEP meeting notes, document a summary of all information considered by the team in making the decision.

Supplementary aids and services and/or supports for student and/or school personnel

Document accommodations and/or modifications that will be needed for the student to progress toward annual goals, participate in the general curriculum, participate in extra- curricular activities and be educated with other students with disabilities and/or with non- disabled students. Remember accommodations do not fundamentally alter or lower expectations or standards in instructional level, content, or performance criteria whereas modifications fundamentally alter or lower expectations on assignment.

Clarification on Difference Between Accommodations and Modifications

For some students with disabilities, the curriculum can be made more accessible through accommodations. An adaptation is an accommodation if the student can demonstrate mastery of the standard on an assessment. The key concept is: Will the student ultimately master the same material but demonstrate that mastery in alternate ways or with alternate supports? If standards are not fundamentally or substantially altered, then this adaptation is an accommodation to a learning or performance difference.

Accommodations

An accommodation is a change in the course, standard, test preparation, location, timing, scheduling, expectation, student response, or other attributes that provides access for a student with a disability to participate in a course, standard or test, and it does not fundamentally alter or lower the standard or expectation of the course, standard or test.

Accommodations are intended to reduce or even eliminate the effects of a student's disability; they do not reduce learning expectations – they provide access. The examples listed below were presented in an archived *Accommodations Guide* provided by the California Department of Education (CDE).

A. Presentation: Allow students to access information in ways that do not require them to visually read standard print. These alternate modes of access are auditory, multi- sensory, tactile, and manual. For example, a student with a visual impairment may require or may use Braille.

B. Response: Allow students to complete activities, assignments, and assessments in different ways or to solve or organize problems using some type of assistive device or organizer. For example, a student may require an alternative method of responding, such as using a scribe.

C. Setting: Change the location in which an assignment or a test is given or the conditions of the assessment setting. For example, a student may need to work separately from the group.

D. Timing and Scheduling: Increase the typical length of time to complete an assignment or assessment and perhaps change the way the time allotted is organized. For example, student may take as long as reasonably needed to complete an assessment, including taking portions over several days.

Modifications

An adaptation is a modification if the student will not demonstrate mastery of the standard on an assessment. If routinely utilized, these adaptations are modifications and require individualized goals and assessment. In contrast to the above, a modification is a change in the course, standard, test preparation, location, timing, scheduling, expectation, student response, or other attribute that provides access for a student with a disability to participate but fundamentally alters or lowers the standards or expectations.

Some examples of modifications to support access to core curriculum are listed below:

A. Out of grade reading level
B. Special projects in lieu of assignments
C. Test items read aloud for entire test
D. Calculator/multiplication table
E. Dictations/spell check/grammar check
F. Accept simplified sentence and paragraph construction
G. Extend practice time and number of practice opportunities
H. Accept simplified sentence and paragraph construction
I. Extend practice time and number of practice opportunities
J. Accept content drawing in place of written response
K. Accept that some activities will have different levels of completion
L. Allow student to type or write from pre-written text
M. Provide taped books with simplified curriculum context
N. Allow students to substitute written responses by using CD for creative writing, talking reports and talking journal entries
O. Use matching techniques instead of written responses
P. Provide homework and/or worksheets at appropriate grade level
Q. Provide manipulative in place or worksheet activities – file folder games, spelling cubes, etc.
R. Use picture cards to support text comprehension
S. Allow students to view video based on written works

In the CDE archived Accommodations Guide, it was noted that using modification may result in implications that could adversely affect students throughout their educational careers. Modifications can increase the gap between achievement of students with disabilities and expectations for proficiency at a particular grade level. Provision of modifications may have the unintended consequence of reducing students' opportunities to learn critical content. If students have not had access to critical, assessed content, they may be at risk for not meeting graduation requirements.

A modified program has learning outcomes, which are substantially different from the prescribed curriculum, and specifically selected to meet the student's special needs. For example, a student in Grade 9 in a modified math program might be focused on functional computational skills in the context of handling money and personal budgeting. Or in Language Arts, a student in Grade 5 may be working on recognition of common signs and use of

the phone. In these examples, the learning outcomes are substantially different from those of the curriculum for most other students.

Any decisions to create a modified program for a student need to be done in consultation with IEP team members, including the parent and administrator, in order to follow a procedure that prevents problematic implications. It is crucial to address how and why the decision was made to place the student in question on a modified program. For example, when the gap in achievement becomes so great that the student cannot catch up (if the student has the cognitive capability but lacks some skills), the IEP team may recommend that the student participate in classes to best fit their specific need(s). Such classes are based on standards but may not have the same breadth or depth as general education courses.

SECTION III – STATEWIDE PUPIL ASSESSMENT SYSTEM

Signed into law on October 2, 2013, Assembly Bill (AB) 484 established California's new student assessment system, now known as the California Assessment of Student Performance and Progress (CAASPP). The CAASPP assessment system replaced the Standardized Testing and Reporting (STAR) Program, which became inoperative on July 1, 2013.

Smarter Balanced is a Consortium that works with teams of national experts to develop a balanced assessment system that accurately measures student progress and growth toward college and career readiness. The Students with Disabilities Advisory Committee is comprised of national experts in learning disabilities, assistive technology, and accessibility and accommodations policy. This committee provides feedback to Smarter Balanced staff, work groups, and contractors to ensure that the statewide assessments provide valid, reliable, and fair measures of achievement and growth for students with disabilities.

The statewide assessment system is designed to capture the data needed for individual, school and district based annual reports on meeting the standards and assessment targets. The system provides for the provision of variations, accommodations, and modifications to meet the needs of students in general education, on a Section 504 Accommodation Plan, and/or on an IEP. This will be addressed further in this document.

Statewide Assessments

The California Department of Education (CDE) has a clear vision and commitment to establishing innovative assessments. These assessments include a variety of approaches and item types that model and promote high-quality teaching and student learning and set a course to ensure that all California students are well prepared to enter college and careers in today’s competitive global economy.

- **California Assessment of Student Performance and Progress (CAASPP).** California's new statewide student assessment system established January 1, 2014.
- **Smarter Balanced Assessment System.** Latest information about new generation of English language arts/literacy and mathematics assessments
- **English Language Proficiency Assessment of California (ELPAC).** A required state test for English language proficiency that is given to students whose primary language is other than English, formerly CELDT.
- **California High School Exit Examination (CAHSEE).** Beginning with the Class of 2006, all public school students were required to pass the CAHSEE to earn a high school diploma. Senate Bill 172, signed into law effective January 1, 2016, suspended the CAHSEE diploma requirement and the administration of the CAHSEE through the 2017-18 school year.

- **California High School Proficiency Examination (CHSPE).** A test for eligible students to earn a high school proficiency certificate.
- **Grade Two Diagnostic Assessments.** Information about diagnostic assessments for students in grade two in English language arts/literacy and mathematics that meet the requirements of California Education Code Section 60644.
- **High School Equivalency Tests (HSET).** High school equivalency tests for students 18 years old and older, and 17 years old in some instances, for the purpose of receiving a California High School Equivalency Certificate.
- **National Assessment of Educational Progress (NAEP).** Tests administered to students in grades four, eight, and twelve in subjects such as reading, writing, mathematics, and science.
- **Physical Fitness Testing (PFT).** A physical fitness test (FITNESSGRAM®) administered to students in grades five, seven, and nine.

Matrix One: Universal Tools, Designated Supports, and Accommodations

The California Department of Education (CDE) regularly updates its testing and accountability website for Matrix One: CAASPP at: https://www.cde.ca.gov/ta/tg/ai/caasppmatrix1.asp

California Alternate Assessments

Most universal tools, designated supports, and accommodations listed in Parts 1 and 2 of the CAASPP Matrix are available for the CAAs for ELA and mathematics through the online testing interface, but because the CAAs are administered to students one-on-one by a test examiner and because they may also be administered in the language of instruction, some embedded resources are not provided. For the CAA science pilot, due to the design, any instructional supports used in daily instruction may be used for the embedded performance tasks.

Embedded resources NOT available for CAA:

- American Sign Language videos (test examiner is allowed to sign to the student as the language of instruction.)
- Braille (either by means of an embosser or a refreshable display)
- Closed captioning
- English dictionary Spanish stacked translation and test directions
- Text-to-speech
- Translation glossaries

The "language of instruction" may include instructional or physical supports needed for communication and instruction. Some test practices (e.g., hand-over-hand), as noted in the Test Administration Manual, are inappropriate and not allowed. Examples of permissible non- embedded instructional and physical supports are provided below.

Examples of Instructional Supports

- Alternate text to describe illustrations, as needed
- Allowing the student to use an augmentative communication devise (e.g., Audiovox, switch)

- Allowing nonverbal students to respond with gestures, movements, or vocalization in place of speech
- Accepting eye gaze as a way of indicating a response
- Accepting a change in muscle tone or a change in facial expression as an observed behavior
- Allowing students to direct another person (aide or test examiner) in performing physical tasks
- Allowing use of the student's calculator, 100s number table, or other instructional supports instead of the embedded supports provided through the testing platform as long as those supports do not impact the test construct
- Examples of Physical Supports
- Structuring the test environment to eliminate distractions for students who are particularly distractible
- Positioning and stabilizing the student to allow for the most controlled movement possible

SECTION IV – GRADES, REPORT CARDS, AND TRANSCRIPTS FOR STUDENTS WITH DISABILITIES

Grading Options for Students with Mild to Moderate Disabilities

Two of the key mandates of the IDEA are that IEP teams are required to make an offer for a free appropriate public education (FAPE) in the least restrictive environment (LRE) for each child with an identified disability. Such decisions have to be individualized based on the unique needs of the child. What makes this a challenge is that there are thirteen different identified disability areas, there are spectrums of disability within the majority of these, and some children are identified with more than one disability. This section addresses the options and key considerations for grading students with mild to moderate disabilities.

Grading Accommodations and Modifications

A student's grade should not reflect that accommodations have been made. However, a student's grade may reflect that modifications have been made for that student to access the general education curriculum. If modifications have been made to the curriculum of any course, it is important that the student's grade reflect the student's achievement in the modified curriculum, as long as modified grades are available to all students. Similarly, a student with disabilities may be given a pass/fail grade as long as participation in this grading system is voluntary and is available to all students. In each case, any modifications to programming, instruction, and grading must be documented in the student's IEP and be directly related to the student's disability. School districts cannot modify grades on the basis of the student's special education status. *To automatically give modified grades to all special education students would be discriminatory and potentially violate Section 504 of the Rehabilitation Act of 1973.* For example, to state that a student cannot get a grade above a "C" because he/she is in special education is illegal.

Report Cards

Report cards are provided to parents to indicate their child's progress or level of achievement in specific classes, course content, or curriculum. Given this purpose, it is permissible under Section 504 and Title II nondiscriminatory regulations for a report card to indicate that a student is receiving special education or related services. A report card for a student with a disability may refer to an IEP or a Section 504 plan in order to report on the student's progress on the specific goals in the IEP or Section 504 plan. However, the mere designation of

an IEP or plan, without any meaningful explanation of a student's progress, such as a grade or other evaluative standard established by the LEA, would be inconsistent with IDEA, Section 504 and Title II requirements. *The LEA must provide students with disabilities report cards that are as informative and effective as the report cards provided for students without disabilities. So, there are basically two options available: a report card aligned to grade level standards or one aligned with alternate curriculum standards.*

Grading procedures should be developed that apply to all students, including students with a wide range of disabilities. Grades earned by students with disabilities cannot categorically be disregarded or excluded, even if earned with the support of special education services.

Alternate grading systems may be appropriate, if they are available to all students, not just those with disabilities. For example, if a school district wishes to establish standards for eligibility for class ranking or honors, it may do so, as long as it does not arbitrarily discount or exclude grades earned by students with disabilities. One method for doing this is to develop and implement an uncomplicated system of weighted grades. Another possibility is to establish a list of "A-G level courses" which must be completed in order to be eligible for honors, class ranking or participation in certain activities. A school district may not implement a weighted grading system that arbitrarily assigns lower grade weights to all special education courses. Each subject or course must be analyzed separately and assigned a degree of difficulty factor based on its individual contents.

Report Cards Aligned with Grade Level Standards

A report card for a student with a disability can distinguish between special education programs and services and general education curriculum classes as is done with other types of programs and classes (e.g., advanced placement, honor, or remedial classes). A collaborative grading effort between two or more educators is entirely appropriate in circumstances where a student with a disability is in a general education classroom, however it should be discussed in the IEP. The IEP team for a student with a disability who receives special education accommodations in a general education classroom should document any grading accommodations or modifications that may apply, particularly with respect to subjects completed in a general education setting. A symbol or code may be used on a student's report card to indicate that the student has had a modified curriculum in the general education classroom since accommodations do not generally affect course content or curriculum. However, this type of coding should not be used solely for students with disabilities.

Educational standards describe what students should know and be able to do in each subject in each grade. In California, the State Board of Education decides on the standards for all students, from kindergarten through high school. Since 2010, 45 states have adopted the same standards for English and math. These standards are called the Common Core State Standards (CCSS). Having the same standards helps all students get a good education, even if they change schools or move to a different state. Teachers, parents, and education experts designed the standards to prepare students for success in college and the workplace. For details regarding the CCSS for all students visit the main CCSS Web page. This site offers resources and guidelines on what the CCSS and the new tests will mean for California students in the special education community.

An IEP team may determine how students may best access the Common Core State Standards (CCSS) and when a student should be placed in an alternate curriculum for a specific content area. When a student struggles to meet even the essential grade level standards, at this point the IEP team may decide that the student is no longer performing at grade level standards and should receive a designation on their reporting document that reflects that the student should now receive a modified curriculum and modified grades.

Section 504 and Title II generally require that students with and without disabilities in the same regular education classes in the general education curriculum be graded using the same standards. A student that is unable to meet even partial components of the grade level standards should be provided with curriculum allowing them to

progress through below grade level standards beginning at the appropriate grade equivalency. To the extent that a student with a disability is not participating in regular education classes but is receiving modified course content or is being taught under a modified or alternate curriculum, it would be up to the SELPA and/or LEA to determine the standards to be used to measure the student's progress or level of achievement.

IEP Progress Reports

Learners should be graded on their work performance and progress toward individualized goals for each progress reporting period. The SELPA adopted SEIS which is a web-based IEP system that provides a mechanism for teachers and other case managers to create reports on progress toward achieving IEP goals. Staff members can refer to the SEIS website and/or manual for how to complete this process.

Education Code 56345(3) requires that IEP progress reports be provided concurrent with the issuance of report cards [CFR §300.320(a)(3)]. Such requirements are driven by local education agency report card policies. Therefore, it is recommended that special education personnel check with their district on these timelines.

Transcripts

The purpose of the transcript is to present an accurate picture of a student's coursework [academic credentials and achievement]. Special notations, including asterisks or other symbols may not appear on a transcript for a student with a disability who received accommodations in general education curriculum classes. Classes may not be identified as special education classes on high school transcripts to indicate the student has had a modified curriculum in a general class. It is much better to use terms such as "basic, level 1, practical, etc." Other permissible transcript "labeling" or designations used may be used if these terms are also used in other courses besides special education. It would be a violation of Section 504 and Title II for a student's transcript to indicate that a student has received special education or a related service, or that the student has a disability.

Modifications or exceptions to the grading scale may be identified on the academic transcript as long as grades and courses of all students, and not just students with disabilities, are similarly treated. For example, a transcript for a student with a disability may indicate receipt of a certificate of attendance or a similar document, rather than a regular diploma under certain circumstances. The school district should take steps to notify each student of what his or her academic transcript contains in the way of such modification notations, if any, before releasing it to another party.

Best Grading Practices for Learners with Mild to Moderate Disabilities

The Council for Exceptional Children (CEC) has identified the following grading practices as generally helpful for learners with disabilities.

A. Base report card grades on how well the learner performed on the work assigned, even when that work was at a lower grade level.

B. Do not penalize a student with a lower grade because he or she was not assigned grade- level work.

C. Make sure all stakeholders understand what level of work was completed to earn a report card grade.

D. Avoid using the threat of a low grade as leverage for improving behavior. Grades should never be used in a coercive manner and learners with a history of low or failing grades typically do not respond to such threats.

E. Reduce use of zeros for late or missing work as they have a disproportionate effect on overall grades and can undermine a student's motivation. Provide opportunities for full or partial credit for late work.

F. Be aware of legal guidance on what can be indicated on a report card versus a transcript.

G. Avoid giving a passing or higher grade based on the belief that learners with disabilities "deserve a break" because the general curriculum is so difficult. This strategy fails both the learner and the school team in that neither is accountable for their roles in the learner's outcomes for the marking period.

H. React quickly to low grades and involve the learner and parents in finding a solution. A recommended process involves:

   1. Pinpointing assignments producing low grades;
   2. Determining when and why the learner is struggling with the assignments;
   3. Determining if additional accommodations or supports are appropriate; and,
   4. Determining if the learner would benefit from change to lower-level work or alternative elements that may improve performance without lowering expectations.

Grading Options for Students with Moderate to Severe Disabilities Included in General Education Classrooms

The IEP team may determine that a student with moderate to severe disabilities is appropriate to be included in one or more general education classrooms. All members of the IEP team who work directly with the student typically share the responsibility for placing, monitoring, and reporting on a student's progress.

Progress Monitoring

Progress monitoring needs to be conducted on all IEP goals and objectives. It is the case manager's responsibility to ensure that data collection is ongoing and that progress is reported to the parents in a timely manner. The case carrier may need to ask the general education teacher, related service provider, and/or paraprofessional working with the student to assist in collecting information. Data may be collected via teacher-made tests; district approved assessment tools, observations, and/or individualized data collection sheets.

Grading Practices

Whether or not an "inclusion student" receives grades is an IEP team decision. If the student will be graded then the team must determine the most appropriate method of grading the student – both on individual assignments and as an overall grade for the course. The team must also decide and document on the IEP if the student will be graded on regular or modified curriculum. Modified curriculum may include partial, out-of-level, substitute, and/or functional skills curriculum.

Individual Class Assignments

Once the IEP team determines what and/or how much content the inclusion student is expected to learn, the team can then make decisions about the method of grading class work. A letter grade could be given for modified assignments to reflect actual achievement. Class work can be graded pass-fail. Another option is to give one grade for effort and another for content. Teachers can agree to changes in weighing the various types of assignments (e.g., tests versus homework). Team members can agree that the student is being included for other than academic purposes and the general education teacher only need put a check mark or star on the page to show that the student attempted the work or a stamp indicating work was completed with help. Student work can be maintained in a portfolio to be appraised by the team members to establish a grade.

Course Grades

Students educated in an inclusive setting may have a modified grading system if noted on their IEP. Such decisions must be made on an individualized case-by-case basis.

Parents should be advised of the consequences of the grading decisions made by the team (e.g., reduction in number of credits). Some examples include:

A. Regular Grades: Unless noted on the student's IEP, the student is presumed to be assessed and graded as per the school or district policies. Accommodations that do not substantially alter the standards or expectations of the course can be applied but the student is graded by the same criteria as all other students. This may be appropriate in electives like art or choir.

B. Modified Curriculum: When course content is substantially modified, the student may be graded on his or her achievement in the modified curriculum and this would be reflected in the report card. In high school the student may not receive credit for the courses toward graduation requirements.

C. No Grade: An inclusion student may be enrolled in a general education class for reasons other than mastery of course content (e.g., social skills, communication) and receive no grade if so indicated in the IEP.

D. Credit/No Credit or Pass/Fail: An included student who is not expected to master the entire course requirements may be graded credit/no credit or pass/fail. In such cases the general education teacher would need to establish the minimum requirements that would reflect a passing grade for all students. If the student meets the minimum number of standards, he or she would pass or get credit for the course.

E. Alternate Report Card: If an alternate report card is developed by the local education agency it might be appropriate for use with students who are included in general education but working far below academic grade level.

F. Written Progress Report: A Progress toward IEP Goals Report may replace the standard report card.

CHAPTER VIII – EARLY CHILDHOOD SPECIAL EDUCATION

SECTION I – POLCIES AND PROCEDURES BIRTH THROUGH AGE THREE

Purpose

The purpose of this section of the manual is to provide supplementary guidance to staff involved in the identification and education of children with disabilities, aged birth to three. Unless addressed in this document, all other District policies and procedures regarding the education of students with disabilities are to be followed.

Search and Serve

California Education Code Section (EC §) 56300 reads,

56300. A local educational agency shall actively and systematically seek out all individuals with exceptional needs, from birth to 21 years of age, inclusive, including children not enrolled in public school programs, who reside in a school district or are under the jurisdiction of a special education local plan area or a county office of education.

All referrals must be made in writing. When a verbal referral is made, educational staff shall offer assistance to the individual in making a request in writing and shall assist the individual if the individual requests such assistance. (California Code of Regulations [CCR], Title 5, 3021 (a))

There is a need to provide appropriate early intervention services, individually designed for infants and toddlers from birth through three years of age, who have disabilities or are at risk of having disabilities, to enhance their development and to minimize the potential for developmental delays (GC 95001). Regional Centers and local educational agencies (LEAs) shall conduct child-find activities to locate all infants and toddlers who may be eligible for early intervention services (CCR 52040(a)).

Each special education local plan area (SELPA) submitting a local plan to the State Superintendent must have in effect policies, procedures, and programs relating to child-find and referral. (EC §56205) Each district, the county office, or the SELPA shall actively and systematically seek out all individuals with exceptional needs, aged birth through 21 years.

The East Valley SELPA coordinates local child find activities including, but not limited to, outreach efforts to hospitals, physicians, childcare programs, public health facilities, other social service agencies and other health care providers. East Valley SELPA agreed to include information about Early Start in its annual child find public notices.

Infant/Early Start

This section provides information on initial referral and intake procedures for infants, determining eligibility, the Individualized Family Service Plan, service delivery models, and protections provided under procedural safeguards.

A. Initial Referral and Intake Procedures

1. The State Department of Developmental Services (DDS) is the lead agency responsible for administration and coordination of the Individuals with Disabilities Education Act (IDEA) Part C grants. Regional Centers are the venue by which DDS fulfills this responsibility. There is an Early Start Interagency Agreement developed with the East Valley SELPA for sharing some responsibilities with Inland Regional Center. The East Valley SELPA is responsible for the provision of Early Start

services for children with a primary focus on children with solely low incidence disabilities (i.e., deaf, blind, deaf- blind, orthopedic impairment, and visual impairment).

2. Anyone who has a concern about an infant's growth or development may make a referral to East Valley SELPA. In the East Valley SELPA, the San Bernardino County Superintendent of Schools (SBCSS) East Valley Operations Early Start team is responsible for providing evaluations and special education services to infants with solely low incidence disabilities as is Redlands Unified School Districts for infants and toddlers residing within the Redlands USD school boundaries. A child with a potential disability other than low incidence will be referred to the Inland Regional Center (IRC). If the Inland Regional Center receives a referral for a student with a low incidence disability, the information will be provided to the San Bernardino County Superintendent of Schools or Redlands USD depending on the parent's residence.
3. Once a referral is accepted, the parent or guardian will be contacted to set up the initial intake interview. This interview consists of basic questions regarding the child's health, developmental history, diagnosis, if any, strengths, weaknesses, and needs. Discussion of the family's needs and concerns also occurs at this time. Necessary parental consent forms will be processed in a timely manner. The assessment team will assess the child in the familiar surroundings, such as the home, whenever possible. The evaluation will be completed within 45 days of receiving the referral.

Determining Eligibility

4. The SBCSS and Redlands USD Early Start staff will complete the evaluation, determine need for services via development of an Individualized Family Service Plan (IFSP), and provide services for infants. All infants or toddlers potentially eligible for any Regional Center program will enter through a single point of entry at the Regional Center to determine eligibility for services.
5. The Regional Center shall determine the assessment tools it will use for determination of eligibility. The results of the testing will determine eligibility of the child for the program. A child being considered for Early Start services available through Regional Center will need to be evaluated in all six developmental areas (cognitive, expressive communication, receptive communication, physical, social/emotional, and adaptive/self-help skills). The Regional Center has different eligibility criteria based on the age of the child:
    a. For a child 36 months and younger, the developmental delay has to occur in at least one of the six developmental areas at 25% or greater.

<u>State – 17 CCR Title 17, Public Health, Division 2, Chapter 2, Article 2 - Evaluation and Assessment</u>

52082 - Procedures for Evaluation and Assessment to Determine Eligibility for Infant/Early Start Services

(a) The determination of eligibility for an infant or toddler shall be made with the participation of the multidisciplinary team including the parent.

(b) Evaluation and assessment shall be based on informed clinical opinion and include:

(1) A review of pertinent records related to the infant or toddler's health status and medical history provided by qualified health professionals who have evaluated or assessed the infant or toddler;

(2) Information obtained from parental observation and report; and,

(3) Evaluation by qualified personnel of the infant's or toddler's level of functioning in each of the following areas:

(A) Cognitive development;

(B) Physical and motor development, including vision and hearing;

(C) Communication development;

(D) Social or emotional development; and,

(E) Adaptive development.

(c) No single procedure shall be used as the sole criterion for determining an infant's or toddler's eligibility.

(d) Standardized tests or instruments may be used as part of the evaluation specified in 52082(b) above, and, if used, they shall:

(1) Be selected to ensure that, when administered to an infant or toddler with impaired sensory, motor or speaking skills, the tests produce results that accurately reflect the infant's or toddler's aptitude, developmental level, or any other factors the test purports to measure and not the infant's or toddler's impaired sensory, motor or speaking skills unless those skills are the factors the test purports to measure;

(2) Be validated for the specific purpose for which they are used.

(e) If standardized, normed or criterion referenced instruments are used as part of the evaluation specified in 52082(b) above, a significant difference between an infant's or toddler's current level of functioning and the expected level of development for his or her age shall be established when an infant's or toddler's age equivalent score falls one third below age expectation.

(f) Procedures and materials for evaluation and assessment of infants and toddlers shall be selected and administered so as not to be racially or culturally discriminatory.

(g) Infants or toddlers with solely low incidence disabilities shall be evaluated and assessed by qualified personnel of the LEA whose professional preparation, license or credential authorization are specific to the suspected disability.

(h) Regional centers, LEAs and multidisciplinary teams shall not presume or determine eligibility, including eligibility for medical services provided through the Department of Health Services, for any other state or local government program or service when conducting evaluations or assessments of an infant or toddler or their family.

Individual Family Service Plan (IFSP)

6. An IFSP documents and guides the early intervention process for the special education service provider and the family with an infant or toddler between the ages of birth and thirty-six months, who has an identified disability or is at-risk of having disabilities. The IFSP is the vehicle through which effective early intervention is designed and implemented for a child identified as eligible for special education services in accordance with Part C of the IDEA.
7. Through the IFSP process, family members and service providers will work as a team to plan, implement, and evaluate services tailored to the family's unique concerns, priorities, and resources.
8. Developing an IFSP: The IFSP is one of the requirements under Part C, IDEA. It is to be developed after a multidisciplinary team completes an evaluation, which determines that a child is eligible for early intervention services.
9. The following are the federal regulations relating to the IFSP process:
    a. An IFSP must be developed within 45 calendar days after the written referral is received

b. Parents shall be fully informed of their rights and with parental consent, a referral to the local family resource network shall be made.

c. Once the multidisciplinary team has established eligibility, arrangements for a convenient meeting date, time, and place must be made. A written notice should be given to the family with enough notice to ensure attendance

d. The meeting must be conducted in the parents' native language or main mode of communication (if the parents request).

e. Meeting participants must include parents, service coordinator, person(s) directly involved with evaluation; and may include other family members, advocates, or persons outside of the family, and persons to be providing services.

f. The IFSP is to be developed jointly by the family and the appropriate qualified personnel.

g. Review of the IFSP must be conducted annually or more frequently if the parents or service providers request an earlier IFSP and concerns/revisions will be addressed as needed.

10. Content of an IFSP: Specific components to be included on the IFSP form are:

a. A statement that describes the infant or toddler's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social and emotional development, and adaptive development.

b. With the concurrence of the family, a statement of the family's resources, concerns and priorities related to meeting the special developmental needs of the eligible infant.

c. A statement of the major outcomes expected to be achieved for the infant or toddler and the family where services for the family are related to meeting the special developmental needs of the eligible infant or toddler.

d. The criteria, procedures, and timelines used to determine the degree to which progress toward achieving the outcomes is being made and whether modifications or revisions are necessary.

e. A statement of the specific early intervention services necessary to meet the unique needs of the infant or toddler as identified through the assessments regarding frequency, intensity, location, duration and the method of services delivery and ways of providing services in the natural environments.

f. A statement of the agency responsible for providing the identified services.

g. The projected starting date for service delivery and the anticipated duration of the services.

h. The title of a service coordinator responsible for the implementation of the plan and coordination with other agencies and persons.

i. A statement of "other" services that the child or family needs, but are not required under Part C, and the steps that will be taken to secure those services (listing of non-required services does not mean they must be provided).

j. Starting with the initial visit, and on-going throughout Early Start, the family shall be notified that Early Start services will be provided until the student turns three years of age. The steps to be taken in support of the transition of the toddler to preschool services provided under Part B, or other services as appropriate, shall be discussed and documented.

An excellent resource of online resources and explanation of the early start programs can be found on the department of developmental services website at: *https://dds.ca.gov/services/early-start/*

Transition from Part C to Part B

11. This section provides information about transition from Part C to Part B of the IDEA. This includes transition legal requirements, timelines and responsibilities for transition conference invitation, transition conference, transition plan, notification referral, late referrals, and summer birthdays.
12. The purpose of the transition IFSP is to allow the Early Start service coordinator and the school district to work together and share responsibility with ensuring services at age three adhering to regulatory requirements. In order to create a seamless process to support the child and their family transition should be addressed at every IFSP, including the initial meeting. This allows the family to get their questions and concerns addressed in a timely manner. Part of this discussion should include information regarding Early Start services stopping at age three.
    a. The differences between Part C and Part B
        i. There are major differences between Part C and Part B special education goals, ages, eligibility criteria, services, plans, location of services, service systems, and cost to families as denoted in the table below.

	Part C	**Part B**
Goal	To support the family to be able to support their children	To support a child's access to their learning
Ages	Birth – 3 years	3 – 22 years
Eligibility Criteria	Developmental delays and children at risk	Eligibility condition that requires special education
Services	Types and frequency of services may vary both in Parts B & C	
Plans	IFSP	IEP
Location of Services	Natural Environment	Least Restrictive Environment
Service Systems	Multi-agency	Education
Cost to Families	Possible Costs	Free

    b. Transition Procedures

    California has determined that ALL children being serviced in Early Start programs are potentially eligible for district special education and related services at the age of three. Therefore, ALL children must be referred to Part B services. The service coordinators are required to make a referral to child's/family's school district of residence with or without the parent's consent. Parents should be informed about the mandatory referral process during transition planning discussions. In the event the family objects to Part B services, they may decline the assessment plan offered by the district.

i. Transition Conference Invitation: The transition conference will occur no later than 90 days before the child's third birthday. The administrator and/or designee assigned to Early Start will make the arrangements for this meeting. The administrator and/or designee will schedule the meeting, including the time and location on a convenient date for the family and agreed to by the other agencies, including a district representative based on the family's school district of residence.
ii. Transition Conference IFSP Meeting: The purpose of the transition conference is to plan the activities that will occur prior to the child's third birthday. A transition conference is part of an IFSP meeting so all IFSP requirements must be followed, including a review of information about the child and family current assessment, a review of services, progress toward meeting outcomes, and revision of any outcomes or services as needed. The transition conference must be held no later than 90 days before the child's third birthday or as early as nine months before the third birthday, with agreement of all parties. The IFSP team members who are required to attend the meeting include the parent, service coordinator, district representative, service providers, and family members or others invited by the parent. The transition conference is a good opportunity for the district and the family to begin a positive relationship.
iii. Written Transition Plan: The written transition plan that is developed during the transition conference IFSP should include the individual steps and services to be taken to support the smooth transition of the child for service delivery models at age of three. The family's concerns and priorities regarding transition should be discussed and documented, as well as any necessary supporting resources required by the child and family.
iv. Notification Referral: No later than 90 days before the child's third birthday, the administrator and/or designee assigned to Early Start, whether IRC or local educational agency (e.g., Redlands USD or SBCSS), must send a referral to the child's and family's school district of residence. The referral must include the child's name and date of birth, and the parent's contact information, including name, address, and phone number. The referral may also include Early Start coordinators name and contact information and the language spoken by the family. The district must maintain documentation of the written referral and has 15 calendar days to develop an assessment plan or prior written notice to deny assessment.

    a) With parent consent, the administrator and/or designee may provide additional identifying information about the child and family, such as the current IFSP, current assessments, and other pertinent information about the child.
    b) The district is required to act on referrals for children who are transitioning from Early Start throughout the year, in order to hold the IEP by the child's third birthday. After receiving the referral and obtaining the parent's consent on the assessment plan, the district is responsible for conducting an evaluation in all areas of suspected disability. The district should also assess the child's strengths and needs to assist the IEP team to develop goals and determine appropriate services designed to ensure a free and appropriate public education (FAPE). An initial IEP meeting must be scheduled on or before the child's third birthday. The purpose of the IEP meeting is to review the results of the evaluation and assessment information and to determine if the child meets eligibility for special education services under Part B. All required components of the IEP meeting under Part B of IDEA must be met.
    c) Extenuating events/circumstances:
        - Late Referrals

- In the case a child is referred to Early Start after they are two years six months of age, the initial IFSP will also serve as the transition conference.
- If the child is referred to Early Start between 45 and 90 days prior to their third birthday, the Early Start service coordinator is required to:
  (1) Conduct the initial evaluation and assessment.
  (2) Conduct the initial IFSP meeting, if eligible.
  (3) Develop a transition plan with appropriate transition steps and services.
  (4) Refer the child to the LEA representative of the child's district of residence
- For a child referred to Early Start between one and 44 days prior to the child's third birthday, the Early Start service coordinator may, but is not required to:
  (1) Conduct the initial evaluation and assessment.
  (2) Conduct the initial IFSP meeting, if eligible.
  (3) Develop a transition plan.
  (4) Provide the LEA representative notification of referral.
- Early Start is required to make a referral to the district or assist the family in initiating contact with the district. The district's responsibility for a child referred to Early Start less than 90 days prior to their third birthday includes:
  (1) Ensure that an initial evaluation under Part B is completed.
  (2) Develop an individualized education program (IEP) by the child's third birthday if the child is determined eligible for Part B, even if the 60-day timeline for assessment expired after the child's third birthday.

- Summer Birthdays
  - The LEA is responsible for holding an IEP to offer services before the child's third birthday even if the program is not in session; this includes summer breaks, mid-winter breaks, and other non-instructional days. The recommendation is to hold the transition conference early enough to ensure that all evaluations and assessments are complete and the final IFSP and initial IEP meetings are held by the child's third birthday. The date to implement the preschool services will be determined during the IEP meeting as part of the Offer of FAPE.

Assessment Standards

For student transitioning from infant services into preschool programs:

A. Assessment will be conducted by a multidisciplinary team as specified in the Assessment Plan, including an authorized early childhood education specialist that serves students with disabilities. Assessment may include:

B. A comprehensive developmental history conducted by a credentialed school nurse or other qualified individual (to determine age of onset).

C. A current psychological assessment conducted by a credentialed school psychologist or other qualified individual

D. A current language assessment conducted by a Speech-Language Pathologist or other qualified individual
E. A current play-based assessment conducted by the authorized early childhood education specialist
F. Previous school history, education progress, and medical reports when applicable
G. A current fine motor assessment conducted by an Occupational Therapist or other qualified individual
H. A current gross motor assessment conducted by a Physical Therapist or other qualified individual
I. A current vision assessment conducted by a Visual Impairment specialist or other qualified individual
J. A current orientation and mobility assessment conducted by an Orientation and Mobility specialist or other qualified individual

The following is a summary of the transition from Part C to Part B requirements and local practices:

Age of Child	Activity
At or before:	These activities will be undertaken:
2 years 6 months	Service coordinator notifies parent(s) that transition planning will begin within the next 3 months and that an IFSP transition plan will be developed before the toddler is 2 years 9 months. Parent consent is obtained to include an LEA preschool representative for a transition IFSP conference. The service coordinator notifies the LEA that there will be a transition IFSP preschool representative before the toddler is 2 years 9 months. Within 30 days, the family, service coordinator and the LEA agree on a date for the transition IFSP conference.
2 years 9 months	Transition IFSP conference is held with service coordinator, parent (s) and, preschool representatives of LEA. When possible, this meeting will be combined with the IFSP at 2 years 6 months. At the transition IFSP conference a projected date for conducting the final review(s) of the IFSP and the initial IEP is set including the identification of the persons responsible for convening the IEP/final IFSP review meeting(s). The date(s) is set collaboratively between the LEA staff, the parent(s) and the SBCSS or IRC service Coordinator. For students with birthdays between June 1 and August 30, IEPs will be held before June 1. Referrals will be made 60 days prior to June 1. Discussion regarding the need to determine eligibility for an IEP and the requirement that parents provide consent for assessment to the student's district of residence. Steps to prepare the toddler of changes in service delivery, including steps to help the toddler adjust to, and function in a new setting are discussed. Service coordinator reviews transition material with family.

No less than 90 days prior to the third birthday	Referral and notification of children receiving Early Start Part C Services is completed by appropriate LEA provider, and with parent consent includes all pertinent medical and Early Start records. LEAs have 15 days to develop the assessment plan.
2 years 11 months	Prepare for IEP meeting Eligibility review for continued FNRC services takes place if appropriate. At least 10 days prior to the IEP the LEA confirms the date of the IEP meeting with IRC. When possible, this meeting may be combined with the exit IFSP review. At times, the IEP meeting date may be tentatively set at the transition IFSP.
By the child's 3rd birthday	IEP and final IFSP meetings are held. Note: If the initial IEP meeting is also the final IFSP meeting, adequate time must be given at the IEP meeting to review progress in achieving IFSP outcomes before initiating discussion of the IEP.
Between the ages of 24 and 30 months	Early Start administrator and/or designee will notify the parents that a transition conference will occur no later than 90 days before the child's third birthday. The conference may occur up to nine months before the child's third birthday, at the discretion of all parties. The family should be advised that the school district representative will be invited to attend the transition conference and that this meeting is part of a formal IFSP meeting as well.

SECTION II – POLICIES AND PROCEDURES PRESCHOOL THROUGH KINDERGARTEN

Purpose

The purpose of this document is to provide supplementary guidance to staff involved in the identification and education of children with disabilities, ages three to five. Unless addressed in this document, all other District policies and procedures regarding the education of students with disabilities are to be followed.

Search and Serve Policy

Each special education local plan area (SELPA) submitting a local plan to the superintendent must have in effect policies, procedures, and programs relating to child find and referral (CA Education Code [EC] § 56205). Each district, county office, or SELPA shall actively and systematically seek out all individuals with exceptional needs, birth through 21 years, including children ages three to five.

Individuals with exceptional needs between the ages of three and five years, inclusive, who are identified by the District as requiring special education and services, shall be eligible for preschool special education services.

A child is not eligible for special education and services if the child does not otherwise meet the eligibility criteria and his or her educational needs are due primarily to:

- Unfamiliarity with the English language;
- Temporary physical disability;

- Social maladjustment; and,
- Environmental, cultural, or economic factors.

When standardized tests are considered invalid for a child between the ages of three and five years, alternative means (e.g., scales, instruments, observations, interviews) shall be used as specified on the assessment plan.

Referral

A child can be referred to a school district through (a) the Individualized Family Service Plan (IFSP) process as he/she was previously identified as a child with a disability or (b) as an initial referral as a child with a suspected disability. If a request for special education assessment is made, the districts of the EV SELPA must follow established procedures for referring students for a special education assessment. If a parent submits a letter requesting a special education assessment, the District has 15 days to respond to the request for assessment.

Assessment

All initial assessments of three- and four-year old children are the responsibility of the school district where the parents reside. Each school district establishes its own early childhood assessment practices in accordance with the following state regulations.

State – California Education Code §56441.11

(a) Notwithstanding any other provision of law or regulation, the special education eligibility criteria in subdivision (b) shall apply to preschool children, between the ages of three and five years.

(b) A preschool child, between the ages of three and five years, qualifies as a child who needs early childhood special education services if the child meets the following criteria:

(1) Is identified as having one of the following disabling conditions, as defined in Section 300.8 of Title 34 of the Code of Federal Regulations, or an established medical disability, as defined in subdivision (d):

(A) Autism

(B) Deaf-Blindness

(C) Deafness

(D) Hearing Impairment

(E) Intellectual Disabilities

(F) Multiple Disabilities

(G) Orthopedic Impairment

(H) Other Health Impairment

(I) Serious Emotional Disability

(J) Specific Learning Disability

(K) Speech or Language Impairment in one or more of voice, fluency, language, and articulation

(L) Traumatic Brain Injury

(M) Visual Impairment

(N) Established Medical Disability

(2) Needs specially designed instruction or services as defined in Sections 56441.2 and 56441.3.

(3) Has needs that cannot be met with modification of a regular environment in the home or school, or both, without ongoing monitoring or support as determined by an individualized education program team.

(4) Meets eligibility criteria specified in Section 3030 of Title 5 of the California Code of Regulations.

(c) A child is not eligible for special education and services if the child does not otherwise meet the eligibility criteria and his or her educational needs are due primarily to:

(1) Unfamiliarity with the English language

(2) Temporary physical disabilities

(3) Social maladjustment

(4) Environmental, cultural, or economic factors

(d) For purposes of this section, "established medical disability" is defined as a disabling medical condition or congenital syndrome that the individualized education program team determines has a high predictability of requiring special education and services.

(e) When standardized tests are considered invalid for children between the ages of three and five years, alternate means, including scales, instruments, observations, and interviews, shall be used as specified in the assessment plan.

Individualized Education Program (IEP)

The IEP team shall discuss the child's present levels of performance, determine eligibility, develop goals (and objectives as appropriate), and determine the appropriate general education and/or special education program services to meet the child's needs. IEPs for preschool students follow the procedures and guidelines in the IEP chapter of this manual, in addition:

A. Present levels of performance and annual goals and objectives are to be aligned to the preschool curriculum;

B. Services are to be designed to meet the unique needs of the child and his/her family; and,

C. Services may be provided in an individual or small group setting.

Services must include, when appropriate:

A. Observing and monitoring the child's behavior and development in his/her environment

B. Presenting activities that are developmentally appropriate for the child and are specially designed, based on the child's needs, to enhance the child's development;

C. Interacting and consulting with family members, preschool teachers, and other service providers, as needed, to demonstrate appropriate activities;

D. Assisting parents to seek and coordinate other services in their community that may be provided to the child by various agencies;

E. Providing opportunities for the child to participate in play and explorative activities, to develop self-esteem and pre-academic skills;

F. Providing access to developmentally appropriate equipment and specialized materials; and,

G. Providing related services, including parent counseling and training to help parents understand the special needs of their child and their child's development.

Program and Service Options

Whether preschool, and/or a specific preschool setting, would be appropriate for an eligible preschool-age student must be determined individually based on the unique needs of each student and is an individualized determination based on the unique educational needs of the particular student. The term "unique educational needs" is to be broadly construed and includes the student's academic, social, emotional, communicative, physical, and vocational needs. While an LEA is not required by law to provide general education preschool, the fact that an LEA does not offer a public, general-education preschool program does not relieve it of its duty to provide a FAPE to preschoolers with disabilities.

Depending on the child's "unique educational needs," the IEP team will determine the appropriate educational services that support the needs and development of the child. Opportunities are offered for the child to participate in age- appropriate activities in the least-restrictive educational setting. Placement decisions are driven by the child's strengths and needs. Below is the continuum of services available for preschool students requiring special education.

Continuum of Services

The IEP team determines the specific services that are appropriate for each preschool child eligible for special education. The options are listed below.

A. Inclusive Community Setting

B. The child's regular environment

C. Public preschool program with Related Services

D. Public preschool program with Consult and Collaboration from the Special Education Staff

E. Public preschool program with Specialized Academic Instruction

F. Separate preschool program with Specialized Academic Instruction for majority of day

G. Separate preschool program with Specialized Academic Instruction for majority of day utilizing alternate curriculum standards

H. Nonpublic School

I. Alternative Education

J. Home/Hospital

K. Instruction in non-classroom setting

The Office of Special Education Programs (OSEP) has taken the position that the obligation to provide interaction with typically developing students may be satisfied by considering alternative methods for meeting the student's unique needs in the Least Restrictive Environment (LRE).

The "California Preschool Guidelines" (CA Department of Education, Sacramento, 2015) encompasses specific guidelines on Including Children with Disabilities or Other Special Needs. This section provides a broad framework for early childhood educators to help in planning and implementing quality educational programs for

the inclusion of young children with disabilities or other special needs in regular early care and education settings. Program approaches for children who do not qualify for special educational services but who have such special needs as behavioral or communication issues are also offered in these Guidelines.

Another excellent resource is the "Inclusion Works! – Creating Child Care Programs That Promote Belonging for Children with Special Needs" (CA Department of Education, Sacramento, 2009). This publication is dedicated to describing inclusive, supportive environments that teach children about differences and about respecting and valuing other people regardless of ability.

Inclusive programs provide many benefits: peer modeling, a higher-level curriculum, and improvement in language usage, social skills and overall development. However, it is important to remember that a special education case carrier needs to be designated to work with the general education teacher and that any supportive services need to be provided by trained special education personnel. Sometimes instructional assistants provide services to such children under the direction of a credentialed special education teacher.

Transition from Preschool to Transitional-Kindergarten or Kindergarten

Preschool children identified as individuals with exceptional needs must be reassessed prior to transitioning from a preschool program to transitional-kindergarten/kindergarten or first grade. (EC 56445) This reassessment may include: standardized testing, criterion referenced testing, observation and/or review of records (34CFR §300.305). Personnel providing special education services to the child are responsible for completing this reassessment and writing a summary report. Whenever possible, the IEP team review meeting should include a transitional-kindergarten/kindergarten or first grade teacher to ensure that a smooth transition occurs. After enrolling in transitional-kindergarten/kindergarten or first grade, the child's progress should be monitored to determine the need for continuing special education program services. (EC §56445(c)).

An IEP transition meeting must be held before a student, currently receiving special education and services, transitions to kindergarten. At the meeting, the IEP team must judge whether the child is still eligible for special education and services.

To prepare for the transitional IEP meeting, the following should be implemented: Classroom staff reviews the current classroom assessments, portfolios, and anecdotal records.

School based team comprised of the site administrator/designee, special and general education teacher, psychologist, and other related service providers meet and review child's file as well as current assessments. The IEP team will make recommendations pertaining to the continued eligibility of the student for special education and services; the team's recommendations are recorded.

Based on the recommendations, the team determines if additional assessments are needed. If the team determines that additional assessments are needed, an assessment plan must be developed and provided to the parent.

** If the team recommends that the student may no longer be eligible for special education, an assessment plan must be developed. Refer to Evaluations section. If the team does not believe that further assessments are needed, the parent must be informed in writing in the form of a prior written notice with an accompanying copy of the *Parents' Rights and Procedural Safeguards* and be advised that if they disagree they may request assessments.

All staff responsible for the student's IEP goals must determine the student's present levels of performance, at a minimum, in all four curricular domains. Suggested goals for the coming year should be developed for discussion at the IEP meeting.

Representatives from the student's receiving school of residence are invited to the IEP meeting.

At the IEP meeting, the IEP team identifies and documents any means of monitoring to ensure continued success of the student if the team recommends less intensive programs or services for the student.

If the IEP team determines that the student will exit from special education, it completes the present levels of performance and documents the student's learning style. This information is to be provided to the student's kindergarten teacher.

State Assessment Requirements for Preschool Desired Results System

The California Department of Education (CDE), Early Education and Support Division (EESD), has established the Desired Results (DR) System to improve program quality in early care and education programs across the state. The DR system meets both statewide assessment and required federal reporting for preschool special education. All infants and preschool-age children (3-, 4-, and 5-year-olds enrolled in Transitional Kindergarten or Kindergarten) in California who have an IFSP or IEP participate in the DR system. Redesigned in 2025, the Desired Results System became The Infant and Toddler Desired Results Developmental Profile (IT DRDP) (2025) and Preschool Transitional Kindergarten Desired Results Developmental Profile (PTK DRDP) (2025) An Early Childhood Developmental Continuum. DRDP (2025) is fully aligned to the *California Preschool/Transitional Kindergarten Learning Foundations (PTKLF)* as well as the *California Infant/Toddler Learning and Development Foundations*. The following domains, representing essential areas of learning and development in young children, are measured in the DRDP (2025):

Approaches to Learning

Social and Emotional Development

Foundational Language Development

English Language Development

Cognition

Math

Science

Physical Development

Health

The IT DRDP (2025) and PTK DRDP (2025) An Early Childhood Developmental Continuum assessment instruments are designed for teachers to observe, document, and reflect on the learning, development, and progress of children, birth through 12 years of age, who are enrolled in early care and education programs and before-and after-school programs. The assessment results are intended to be used by the teacher to plan curriculum for individual children and groups of children and to guide continuous program improvement.

Desired Results also support special educators, administrators, and families in implementing the CDE's assessment system for preschool-age children with Individualized Education Programs (IEPs) by:

A. Assuring the inclusion of preschool children with IEPs in the Desired Results Assessment System.
B. Refining the Desired Results Developmental Profile access (DRDP access)
C. Aligning the DRDP access with the other DRDP instruments, California's Preschool/Transitional Kindergarten Learning Foundations (PTKLF), and Preschool Curriculum Frameworks.
D. Refining and managing the statewide DRDP data collection system for preschool special education to meet federal requirements.

E. Providing useful information and reports to programs about DRDP assessment results.

F. Providing resources and activities to assist California's preschool special education community to understand, use, and benefit from this statewide system.

Preschool State Performance Plan Indicators

The Special Education Annual Performance Measures are a series of focused monitoring reports required by the Individuals with Disabilities Education Improvement Act (IDEA) and compiled by the CDE. Two specific indicators measure preschool performance as outlined below.

Indicator 6 – Preschool Least Restrictive Environment – The percent of children aged 3 through 5 with IEPs attending a: (a) Regular early childhood program and receiving a majority of special education and related services in the regular program; (b) Separate special education class, separate school or residential facility.

Providing preschool student services in the least restrictive environment (LRE) is so crucial that both Federal and State education departments monitor the settings in which preschool services are made available. The following language is the definition of State Performance Indicator 6: Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (i.e., Head Start, State or other public preschool, private preschools, reverse mainstream classrooms, group childcare of child development centers.). Because this is monitored, it is critical for each LEA to offer a full continuum of services to meet the unique needs of each individual student in the least restrictive environment.

Indicator 7 – Preschool Assessment – Percent of preschool children, aged 3 through 5, with IEPs who demonstrate improved: (a) positive social-emotional skills (including personal relationships); (b) acquisition of knowledge and skills (including early language/communication and early literacy); and (c) use of appropriate behaviors to meet their needs.

CHAPTER IX – SECONDARY TRANSITION & THE INDIVIDUAL TRANSITION PLAN

SECTION I – OVERVIEW OF TRANSITION SERVICES AND RESOURCES

Purpose

The purpose of this section is to provide Individualized Education Program (IEP)/Individual Transition Plan (ITP) teams with information regarding transition services for students with disabilities, ages 16 and older, and to assist middle school and senior high school staff in carrying out their responsibilities for determining and providing transition instruction and services.

Transition services focus attention on how the student's education program in senior high school can be planned to help the student meet his or her goals for a successful transition to adult living. The Individualized Education Program/Individual Transition Plan (IEP/ITP) meeting serves as a communication and planning vehicle among parents, students, appropriate community agency representatives, and District staff, and enables them, as equal participants, to make joint, informed decisions regarding the student's transition needs, appropriate transition services and activities, educational program supports and placement, and the degree to which other agency representatives will participate.

The IEP/ITP sets forth in writing a commitment of resources necessary to enable the student with a disability to receive appropriate transition instruction and services as part of his or her special education program.

Transition services are a coordinated set of activities that are listed below.

A. Designed with an outcome-oriented process that promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, and independent living or community participation.

B. Based on the individual student's needs, taking into account the student's preferences and interests, as they are determined through the process of assessment.

C. Documented on the IEP/ITP and are inclusive of the student's need for:

   1. Instructional services

   2. Related services;

   3. Community experience objectives for the development of employment and other post-school adult living objectives; and,

   4. The acquisition of daily living skills and functional vocational evaluation, if appropriate.

Key Points to Remember

- Transition Services begin no later than the first IEP to be in effect when the child turns 16.
- Best practice is to develop an ITP with the student at the age of 15½ so that it will be in effect when the child reaches the age of 16.

The ITP must:

A. Be updated annually;

B. Include measurable postsecondary goals and annual goal statements that are specific to the student, and not generic for all students;

C. Include age-appropriate transition assessments in the areas listed below.

   1. Education/training
   2. Employment
   3. Independent living when appropriate

Include a statement or attachment of the course of study the student should follow to reach their postsecondary goals; and

Include a statement indicating that the child has been informed of their rights one year prior to the age of majority.

SECTION II – INDIVIDUALIZED EDUCATION PROGRAM (IEP)/INDIVIDUAL TRANSITION PLAN (ITP) PLANNING

Prior to the IEP/ITP Meeting

A. Assessment and IEP/ITP focus for students begins by age 16. For students 16 and older, transition assessment requires the inclusion of the student's strengths and needs for interagency services and community linkages as appropriate.

B. Participants to be invited to the IEP/ITP meeting include:

   1. The parent/guardian of the student;
   2. The student for whom an Individual Transition Plan is being developed;
   3. At least one general education teacher of the student (if the student is, or may be, participating in the general education program);
   4. At least one special education teacher of the student, or if appropriate, at least one special education provider of the student
   5. An administrator or administrative designee
   6. A person who is knowledgeable about the assessment procedures used to assess the student including assessments to determine transition planning for the student, is familiar with the results of the assessment, and is qualified to interpret the results; and
   7. As appropriate, representatives of interagency services and community linkages when being considered for the student

Students with disabilities ages 16 and older shall, in addition to their parents/guardians, receive written notification of the IEP/ITP meeting inviting them to participate as a member of the IEP/ITP team. The notification will, in addition to identifying District staff who will attend the meeting, also include a list of agency representatives to be invited, as necessary.

The school must take steps to notify and encourage parent and student presence and participation at the IEP/ITP meeting by inviting them to the IEP/ITP meeting with the Notification to the Parent/Guardian to Participate in Individualized Education Program Meeting form in the parent's primary language, if feasible. The notice will indicate that transition services will be addressed in addition to the other IEP elements. Along with the written

notification, a copy of the *Parents' Rights and Procedural Safeguards* shall be provided to both the parents and the student.

A. Preparing the Student for the IEP/ITP Meeting. In order for the student to knowledgeably participate in the IEP/ITP meeting, the student shall be provided instruction on his or her role, rights, and procedural safeguards. The student should also possess an understanding of their assessment results and have a voice concerning the development of their postsecondary education and employment goals. This instruction shall be provided prior to the meeting by school staff responsible for the delivery of special education services.

SECTION III – COMPLETING AN INDIVIDUAL TRANSITION PLAN (ITP)

An Individual Transition Plan (ITP) must be completed in time to be in effect when the student reaches 16 years of age. Therefore, Plan Review IEPs conducted when the student is 15 or older, must include an ITP. Transition Page 1 and Transition Page 2 within SEIS contains the ITP. The following guidance is provided in completing the ITP.

Age-Appropriate Transition Assessment

A student's transition services are determined by using a variety of assessment tools that are culturally, developmentally, and linguistically appropriate. Transition assessment instruments and procedures should provide the Individualized Education Program (IEP)/Individual Transition Plan (ITP) team functional as well as developmental information necessary for determining the student's course of study and development of their postsecondary educational and employment goals. Effective transition assessment guides the student's interests and needs, which in turn, assists the student with developing lifelong education and employment training goals.

Age-Appropriate transition assessment:

A. Is an ongoing process of collecting data on the individual's needs, preferences, and interests as it relates to the student's future educational, employment, and personal/social environmental pursuit.

B. Is the common thread in the transition process.

C. Forms the basis for defining goals and services to be included in the IEP/ITP.

D. Includes activities, assessments, content, environments, instruction, and/or materials that reflect a student's chronological age.

It is appropriate to use a combination of the following types of assessments:

A. Paper and Pencil tests

B. Structured student and family interviews

C. Community or work-based assessments (situational)

D. Curriculum-based assessments

Examples of age-appropriate informal and formal assessments include:

Interviews or questionnaires	Formal adaptive behavior scale – Vineland
Curriculum-based assessments	Independent Living Assessment
Interest inventories	Personality or preference tests
Preference assessments	Aptitude tests

Transition planning inventories	Achievement tests (Woodcock Johnson)
Functional skill inventories	On-the-job training evaluations
Direct observations	Measures of self-determination
Anecdotal records	Career development measures

In order to effectively document assessment results:

A. Describe the assessments/instruments used annually in education/training, employment and independent living

Include:

A. Name and date of tool used
B. Brief summary of results (learning style inventories; career interests, aptitudes or values assessments, etc.)
C. Outcomes of any work, training or community service

Transition Goals

The student's IEP must include appropriate measurable postsecondary goals that cover education or training, employment, and, if appropriate, independent living.

Postsecondary goals refer to those goals that a student hopes to achieve after exiting high school. A postsecondary goal is not the process of pursuing or moving toward a desired outcome, but the identification of what the desired outcome will be. Examples of Transition Goals:

<u>Education/Training</u>

Post-Secondary Goal: Upon completion of high school, I will attend in the local State College.

Annual Goal: When given a computer with internet, the necessary websites (FAFSA), and copy of personal information, Student will improve in the area of education/training by completing 1 financial aid application and 1 admissions application with 100% accuracy in 16 of 20 trials (one accurate trial = one accurately completed section of the applications) as measured by frequency of correct trials within 6-week time periods.

Post-Secondary Goal: Upon graduation from high school, I will attend community college and participate in the welding industry certificate program meeting the requirements to attain an entry-level certificate.

Annual Goal: Given a self-assessment on personal traits, a welder job description, and appropriate websites on welding, Student will improve in the area of education/training by creating a statement that includes 10 reasons he will be a quality welder with 100% accuracy in 8/10 trials (1 accurate trial=1 reason corresponding to welding) as measured by frequency of correct trials within 8-week time periods.

<u>Employment</u>

Post-Secondary Goal: After high school, I will be employed in a clothing store job.

Annual Goal: Given an application, a copy of personal information, and 10 opportunities, Student will improve in the area of employment readiness by completing a clothing store application with 100% accuracy and 80% mastery (1 accurate opportunity=1 application accurately completed) as measured by frequency of correct opportunities within 8-week time periods.

Post-Secondary Goal: Upon completion of college, I will work as a teacher.

Annual Goal: Given the district's teacher mentor program, a journal to write mentor program experiences, and internet access to research teacher education required coursework, Student will improve in the area of employment readiness by writing an essay documenting expectation for a future career in teaching with 100% accuracy in 2/3 trials (1 accurate trial=1 rubric score of 3/4) as measured by rubric recording within 10-week time periods.

Post-Secondary Goal: After high school, I will work full-time at a job in an office.

Annual Goal: Given an office phone, scenarios, and scripts, Student will improve in the area of employment readiness by practicing speaking with customers and communicating the correct information based on the scenario, for 10 different scenarios with 100% accuracy in 8/10 trials (1 accurate trial=1 scenario with information accurately communicated) as measured by frequency of correct trials within 6-week time periods.

Post-Secondary Goal: Upon completion of school, I will work as a cashier.

Annual Goal: Given independent work time, math worksheets with varying operations, and a calculator, Student will improve in the area of employment readiness by completing math problems with 100% accuracy in 4/5 trials (1 accurate trial= 1 worksheet with 10/10 problems correct) as measured by frequency of correct trials within 6-week time periods.

Post-Secondary: Upon completion of school, I will work at a local business.

Annual Goal: Given results of an interest inventory, small group instruction on how to read the classifieds, and classified ads, Student will improve in the area of employment readiness by selecting one local business of interest with 100% accuracy and 80% mastery of 5 opportunities (1 accurate opportunity = 1 preferred local business of interest) as measured by frequency of correct opportunities within 8-week time periods.

Post-Secondary: Upon completion of school, I will work as a mechanic.

Annual Goal: Given an internship, 10 opportunities, and 3 entry level mechanic tasks, Student will improve in the area of employment readiness by completing each task correctly with 100% accuracy and 80% mastery of opportunities (1 accurate opportunity = 3 tasks accurately completed) as measured by frequency of correct opportunities within 10-week time periods

<u>Independent Living</u>

Post-Secondary Goal: Upon completion of high school, I will live with friends in a home or apartment.

Annual Goal: Given 5 different categories (gas, living, groceries, utilities, leisure), consumer math worksheets, and 10 opportunities, Student will improve in the area of independent living by completing expense records for the 5 categories with 100% accuracy and 80% mastery (1 accurate opportunity=1 worksheet with all 5 categories accurately computed) as measured by frequency of correct opportunities within 6-week time periods.

Post-Secondary Goal: After high school, I will shop and prepare simple meals for myself.

Annual Goal: Given a community grocery store, a shopping cart, and a shopping list with visuals, Student will improve in the area of independent living by independently locating all items on the shopping list and placing them into the cart with 100% accuracy in 8 out of 10 trials (1 accurate trial=1 shopping trip with all items located and placed into cart) as measured by frequency of correct trials across 6-week time periods.

Annual Goal: Given a task analysis, ingredients, and a recipe, Student will improve in the area of independent living by preparing a simple meal, for 5 different meals with 100% accuracy in 4/5 trials (1 accurate trial=1 accurately prepared meal) as measured by frequency of correct trials across 6-week time periods.

Post-Secondary Goal: Upon completion of school, I will live on my own.

Annual Goal: Given direct instruction, practice opportunities, and written instructions Student will improve in the area of independent living by identifying the correct bus route and riding the bus to the grocery store and back with 100% accuracy in 16 out of 20 trials (1 accurate trial = 1 correct identification of route, and ride to grocery store and back) as measured by frequency of correct trials within 10-week time periods.

Course of Study

The governing boards of each school district of the EV SELPA have adopted policies to implement a course of instruction that sufficiently prepares pupils to meet state graduation requirements, have notified staff and administrators of the policies, and have conducted in-service trainings for staff and administrator regarding the policies.

The National Secondary Transition Technical Assistance Center (NSTTAC) define courses of study as "a multi-year description of coursework to achieve the student's desired post-school goals, from the student's current to anticipated exit year."

The course of study must intentionally and explicitly reflect each student's secondary and postsecondary transition goals and be written in a generic manner so that it is portable across district and/or state lines. Student progress towards achieving a high school diploma or certificate of completion should be monitored at least once annually with consideration given to attendance, grades, credit status and other educational performance measures. The course of study should also be reviewed at least once annually for all students.

Course of Study: Courses of study are defined as a multi-year description of coursework that explicitly connect to the student's desired post-school goals, from the students' current to anticipated exit year. Transcripts are not considered a course of study.

The chart below reflects a sample course of study for a diploma bound student:

Freshman	Sophomore	Junior	Senior
English I	English II	English III	English IV
Social Science (Personal Growth, Geography)	Social Science (History)	Social Science (American Government)	Social Science (Economics)
Math (Algebra I)	Math (Intermediary Algebra)	Math (Geometry)	Elective
Science (Biology)	Science (Physical Science)	Science (Chemistry)	Elective
PE	PE	Elective	Elective
Elective	Elective	Elective	Elective

A sample course of study for a certificate bound student may include:

Functional Academics	Domestic Domain	Community Domain	Vocational Domain
English Language Arts	Grooming & Hygiene	Social Behavior	Career Exploration
Listening & Speaking	Personal Safety	Community Resources	Work Related Training
Math	Life Skills	Recreation and Leisure	Future Living
		Communication Skills	Work Based Learning

Eight Criteria of a Compliant IEP/ITP

Listed below are eight criteria to ensure compliance when conducting an Individualized Education Program/Individual Transition Plan (IEP/ITP).

A. Measurable postsecondary goals are listed in the areas of postsecondary education and training, employment, and independent living if needed.

B. Measurable goals are updated annually

C. Postsecondary goals are based on age-appropriate transition assessments.

D. Transition services are listed that assist students to achieve their postsecondary goals.

E. Transition services include a course of study that aligns with postsecondary goals. (The course of study is not a printout of the student's academic transcript.)

F. Plan Review IEP/ITP goals are listed that relate to the student's postsecondary goals and transition service needs.

G. There is evidence that the student was invited to the IEP/ITP.

H. There is evidence that agencies were invited to the IEP/ITP.

Age of Majority/Transfer of Rights

It must be clearly documented on the Individualized Education Program (IEP)/Individual Transition Plan (ITP), at least one year before the student's 18th birthday that the student has been informed that his or her procedural rights and safeguards will transfer from the parent to the student upon reaching the age of 18, unless the student has been determined under State law to be incompetent or the parent/guardian of the student has been legally determined the student's conservator.

CHAPTER X – HIGH SCHOOL GRADUATION OPTIONS

Individualized Education Program (IEP) teams must consider whether a student identified as eligible for special education services is working toward earning a regular high school diploma, a high school diploma on an alternative pathway for students with significant cognitive disabilities, or a Certificate of Completion (COC) at the completion of 12th grade. The IEP team determines which graduation option is most appropriate for the student, given the LEA/district's options as determined by the governing board. Students with disabilities and their parents/guardians should be given adequate notice of the requirements for the various high school graduation options available, and IEP teams should evaluate several factors before determining the appropriate graduation option. The graduation option that the IEP team chooses shall be documented clearly as part of the Transition Plan, as well as marked on the IEP's offer of Free and Appropriate Public Education (FAPE).

SECTION I – REGULAR HIGH SCHOOL DIPLOMA

The term "regular high school diploma" is defined as a diploma fully aligned to grade-level standards. Students typically complete mandated academic courses and must earn a minimum grade point average to receive a regular high school diploma. California Education Code 51225.3 defines the mandated high school courses needed to earn a regular high school diploma, and the LEA/district's governing board develops and approves district requirements for a regular high school diploma.

In addition, certain student groups may be exempt from the LEA/district's graduation requirements. Under Assembly Bill 167/216, students identified as either foster youth or on probation, who are removed from their homes and transfer high schools after their second year of high school, may graduate and earn a standard high school diploma by completing the minimum state graduation requirements if, at the time of the transfer, they cannot reasonably complete additional local school LEA/district requirements within four years of high school. Similarly, under Assembly Bill 1806, students identified as homeless are exempt from all coursework and other requirements that are in addition to the state minimum requirements of 13 year-long academic courses needed to earn a high school diploma.

SECTION II – ALTERNATIVE PATHWAY TO A HIGH SCHOOL DIPLOMA FOR STUDENTS WITH SIGNIFICANT COGNITIVE DISABILITIES

Students with the most significant cognitive disabilities, who were enrolled in grade 10 or higher in the 2022-2023 school year or later, may be awarded a high school diploma if their IEP team determines they are eligible to participate in an alternative pathway. To be considered, the student must be eligible to take the California Alternate Assessment (CAA) and must complete state standards-aligned coursework to meet statewide course requirements. This requires that the student's IEP goals are aligned to grade level standards and that the student is in courses during their four years of high school alongside their same-age peers. Students who receive high school diplomas through this alternative pathway are still eligible to participate in public school and receive FAPE until they are 22 years of age. Receiving a diploma on the alternative pathway does not end a student's eligibility for services under IDEA (California Education Code 51225.32).

SECTION III – CERTIFICATE OF COMPLETION (COC)

The COC option is available to students who cannot complete the requirements for a regular high school diploma or whose IEP teams have not identified the alternative pathway as appropriate. It is awarded at the end of the

student's 12th grade year. The COC option does not equal a regular high school diploma and students continue to be eligible to receive FAPE until they are 22 years of age.

A student with a disability who has satisfied the following three requirements, but who has not satisfied the requirements for a diploma or whose IEP team has not identified the alternative pathway as appropriate, may receive a COC if the student has (California Education Code 56390):

- Satisfactorily completed a prescribed alternative course of study as identified on the student's IEP; or
- Satisfactorily achieved IEP goals and objectives during high school as determined by the IEP team; or
- Demonstrated satisfactory high school attendance, participation in the instruction prescribed in the student's IEP, and achievement of the objectives stated in the student's transition plan.

A student's IEP team must determine and document that a COC is appropriate. While students may have access to the general education curriculum, most students receiving a COC participate in California's Alternate Assessment testing system, which is documented on the IEP's Statewide Assessment page.

SECTION IV – GRADUATION AND COMMENCEMENT EXERCISES

A student with disabilities who meets the criteria for a COC or a high school diploma on the alternative pathway is eligible to participate in any graduation ceremony and any school activity related to graduation in which students of similar age without disabilities would be eligible to participate. The decision on whether to allow students with disabilities, who do not meet the requirements to earn a standard high school diploma, a high school diploma on an alternative pathway for students with significant cognitive disabilities, or a COC, to participate in graduation commencement exercises must be reviewed and aligned with the LEA/district's board-approved school policies.

SECTION V - GRADUATION REQUIREMENTS FOR STUDENTS ATTENDING NONPUBLIC SCHOOLS

Students with disabilities attending nonpublic schools (NPS) have the same graduation options as peers attending the placing LEA/district. It is the responsibility of the placing LEA/district to work with nonpublic schools to determine the graduation eligibility for students with disabilities placed at nonpublic schools. The LEA/district evaluates the student's transcript to verify the student's eligibility for completion of courses leading to either a regular high school diploma, the alternative pathway to a high school diploma, or a COC. **The LEA/district provides the appropriate diploma or COC, not the NPS.**

SECTION VI – TIMELINE FOR STUDENTS NO LONGER ELEGIBLE

Table 1.1 details when a student is no longer eligible under the Individuals with Disabilities Education Act (IDEA) to receive specialized instruction and related services through an IEP. LEAs/districts should continue to provide a student an appropriate offer of FAPE until the student is no longer eligible to receive it.

LEAs/districts may neither develop nor implement an IEP that extends beyond eligibility dates. Table 1.1 lists guidelines regarding terminating special education services. A prior written notice (PWN) is required upon the termination of special education services under all of the high school graduation options and for students attending

nonpublic schools.

Table 2.1 Conclusion of Special Education Services

If the student's 22nd birthday is between January and June, the student may continue through the remainder of the fiscal year (school year and extended school year [ESY] ending July 1).	EC 56026 (c)(4)(A)
If the student's 22nd birthday is in July, August, or September of the new fiscal year, then the student may not begin a new fiscal year (school year and ESY ending July 1 of this year).	EC 56026(c)(4)(B)
If the student's 22nd birthday is during October, November, or December, the student shall be terminated from the program on December 31 of the current fiscal year, unless the student would otherwise complete his or her IEP at the end of the current fiscal year.	EC 56026(c)(4)(C)
The student graduates from high school with a regular high school diploma.	EC 56026.1(a)

SECTION VII – PRIOR WRITTEN NOTICE (PWN): REGULAR HIGH SCHOOL DIPLOMA

The PWN: Regular High School Diploma is provided to inform parents/guardians and/or adult students prior to the LEA/district making a change to the educational placement or provision of FAPE based on the criteria of students completing their requirements for a high school diploma. The PWN should be completed immediately following the exit IEP and provided to parents/guardians and/or adult students without delay prior to ending services.

How to Fill Out a Prior Written Notice: High School Diploma

The LEA/district should do the following:

- Fill out the date the PWN is being sent to the parent/guardian and/or adult student
- Fill in the student's name within the first paragraph
- Enter the specific reason that options other than a regular high school diploma are not appropriate for the student.
- In the final paragraph, print the name of the contact person in case the parent/guardian and/or adult student disagrees with the decision of graduation based on the student meeting the criterial for a regular high school diploma; include the contract's phone number and/or email address.
- Sign the letter with your name and title.
- Enclose a copy of procedural safeguards when sending the PWN.

SECTION VII – PRIOR WRITTEN NOTICE: CERTIFICATE OF COMPLETION AND FOR STUDENTS WHO RECEIVED A HIGH SCHOOL DIPLOMA ON AN ALTERNATIVE PATHWAY

The PWN: Certificate of Completion or Student Who Received a High School Diploma on an Alternative Pathway is provided to inform parents and/or adult students prior to the LEA/district's termination of the educational placement or provision of a FAPE based on the criteria of students completing their high school requirements for a COC. The PWN should be completed immediately following the exit IEP and provided to the parents/guardians and/or adult students without delay prior to ending services.

How to Fill Out a Prior Written Notice: Certificate of Completion

The LEA/district should do the following:

- Fill out the date the PWN is being sent to the parent/guardian and/or adult student.
- List the name of the student within each paragraph.
- Enter the date of the last IEP and describe the offer of FAPE, including the date the IEP will conclude. In this section, if the LEA/district offers the FAPE in an alternative program, document the offer of the FAPE.
- In the final paragraph, print the name of the LEA/district contact person in case the parent/guardian and/or adult student disagrees with the decision of promotion based on a COC, or who received a high school diploma on an alternative pathway with the contract's phone number and/or email address.
- Sign the letter with your name and title.
- Enclose a copy of procedural safeguards when sending the PWN.

CHAPTER XI – STUDENT DISCIPLINE

SECTION I – GENERAL GUIDELINES

The following guidelines on disciplining students with disabilities are written to supplement, not supplant, local education policies and procedures pertaining to suspension and expulsion, which is the foundation for discipline for all students. Most of this information is derived from the California Education Code Section 48900 and Individual with Disabilities Education Act (IDEA) Title 34 of the Code of Federal Regulations (34 C.F.R.).

Suspension

Suspension means removal of a student from ongoing instruction for adjustment purposes. However, "suspension" does not mean any of the following:

- Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of the day prescribed by the governing board for students of the same grade level.
- Referral to a certificated employee designated by the principal to advise students.
- Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or the principal's designee as provided in § 48910. Removal from a particular class shall not occur more than once every five school days.

Expulsion

Expulsion means a removal of a student from (1) the immediate supervision and control, or (2) the general supervision of school personnel, as those terms are used in § 46300.

Removal

“Removal,” as used in federal regulations such as those related to manifestation determination (MD) meetings, is a generic term used to describe any removal of a student for disciplinary purposes from ongoing instruction for any length of time.

Change of Placement

Removal of a student for disciplinary purposes is considered a change of placement if the removal is for more than ten consecutive school days or the student has been subjected to a series of removals that constitute a pattern:

- Because the series of removals total more than ten cumulative school days in a school year;
- Because the student’s behavior is substantially similar to the student’s behavior in previous incidents that resulted in the series of removals; and
- Because of factors such as the length of each removal, the total amount of time removed and the proximity of the removals to one another.

Legal Requirements

State

Suspension or Expulsion [48900 - 48927]

A student shall not be suspended from school or recommended for expulsion unless the superintendent or the principal of the school in which the student is enrolled determines that the student has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:

(a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person.
(2) Willfully used force or violence upon the person of another, except in self-defense.

(b) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, unless, in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.

(c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance listed in Chapter 2 (commencing with § 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.

(d) Unlawfully offered, arranged, or negotiated to sell a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.

(e) Committed or attempted to commit robbery or extortion.

(f) Caused or attempted to cause damage to school property or private property.

(g) Stole or attempted to steal school property or private property.

(h) Possessed or used tobacco, or products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit the use or possession by a pupil of his or her own prescription products.

(i) Committed an obscene act or engaged in habitual profanity or vulgarity.

(j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.

(k) (1) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
(2) Except as provided in Section 48910, a pupil enrolled in kindergarten or any of grades 1 to 3, inclusive, shall not be suspended for any of the acts enumerated in this subdivision, and this subdivision shall not constitute grounds for a pupil enrolled in kindergarten or any of grades 1 to 12, inclusive, to be recommended for expulsion. This paragraph shall become inoperative on July 1, 2018, unless a later enacted statute that becomes operative before July 1, 2018, deletes or extends that date.

(l) Knowingly received stolen school property or private property.

(m) Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.

(n) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.

(o) Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for purposes of either preventing that pupil from being a witness or retaliating against that pupil for

being a witness, or both.

(p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.

(q) Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, "hazing" means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution that is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this subdivision, "hazing" does not include athletic events or school- sanctioned events.

(r) Engaged in an act of bullying. For purposes of this subdivision, the following terms have the following meanings: (1) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following: (A) Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property. (B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.

(C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.

(D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

(2) (A) "Electronic act" means the creation or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following: (i) A message, text, sound, or image.

(ii) A post on a social network Internet Web site, including, but not limited to: (I) Posting to or creating a burn page. "Burn page" means an Internet Web site created for the purpose of having one or more of the effects listed in paragraph (1). (II) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in paragraph (1). "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.

(III) Creating a false profile for the purpose of having one or more of the effects listed in paragraph (1). "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile. (iii) An act of cyber sexual bullying.

(I) For purposes of this clause, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (A) to (D), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act. (II) For purposes of this clause, "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

(B) Notwithstanding paragraph (1) and subparagraph (A), an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet. (3) "Reasonable pupil" means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

In addition to the reasons specified in California Education Code 48900, a student may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the student is enrolled determines that the student has committed sexual harassment as defined in § 212.5 of the EC. For the purposes of this chapter, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the student's academic performance or to create an intimidating, hostile or offensive educational environment. This section shall not apply to students enrolled in kindergarten and grades 1 to 3, inclusive.

A student in grades 4 to 12, inclusive, may also be suspended from school or recommended for expulsion if the superintendent or principal of the school in which the student is enrolled determines that the student has caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in § 233 of the EC.

Additionally, a student enrolled in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the student is enrolled determines that the student has intentionally engaged in harassment, threats or intimidation, directed against district personnel or students, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of either school personnel or students by creating an intimidating or hostile educational environment.

Suspension shall be imposed only when other means of correction fail to bring about proper conduct. However, a student, including a student with a disability, as defined in § 56026 of the EC, may be suspended for any of the reasons enumerated in § 48900 upon a first offense if the principal or superintendent of schools determines that the student violated subdivision (a), (b), (c), (d), or (e) of § 48900 or that the student's presence causes a danger to persons or property or threatens to disrupt the instructional process.

Students in grades K-8, including students with disabilities, cannot be suspended for willful defiance/disruption under any circumstances under § 48900(k). No student in any grade can be recommended for expulsion under § 48900(k) for willful defiance/disruption.

SECTION II – SPECIFIC REQUIREMENTS FOR STUDENTS WITH DISABILTIES

Manifestation Determination (MD)

An IEP meeting to conduct a manifestation determination (MD) must be held within ten school days of the decision to remove a student for disciplinary purposes if the removal constitutes a change in placement.

Local Procedures

As a general rule, students with a disability may be suspended in the same manner as students without a disability for the first ten days of suspension. After ten days of suspension, a student may be suspended up to ten additional days subject to specific limitations to be discussed later.

Students with a disability may also be expelled provided that the student continues to receive special education services pursuant to an IEP.

The procedures pertaining to suspension and expulsion for both identified students with a disability and students not yet identified as eligible for special education are explained in detail below.

Suspension Procedures for Identified Student with Disability Needs

A district superintendent or designee may suspend a student with a disability for up to five consecutive school days for a single incident of misconduct and for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change in placement (see definition above) pursuant to federal regulations. If, for the purpose of adjustment, a student enrolls in or is transferred to another general school class or a continuation school or class, the total number of days of suspension shall not exceed 30 days.

The principal or designee should monitor the number of days, including portions of days that students with valid IEPs have been suspended during the school year. If a student misses even a portion of the school day due to disciplinary action, that entire day counts as a day of suspension.

Administrators should be cautious about sending students home as a disciplinary consequence with or without the consent of the parent. While the district administrator may not consider it a suspension at the time, legally it meets the definition of suspension and must be counted towards the student's total days of suspension. It is recommended that the district consider any days of suspension beyond ten cumulative to constitute a change of placement, which would require a manifestation determination (MD) meeting as described below.

Changing the placement of a student with a disability from a general school site to a community day school requires an IEP team meeting and parental consent unless it is done as a result of post-expulsion placement or as an interim alternative educational setting.

Note: As with general education students, suspension should only be imposed when other means of correction fail to bring about proper conduct. In addition, because of the limited number of days that a student with a disability can be suspended, the number of legal requirements involved and the fact that suspension is not generally an effective deterrent for students with a disability, administrators are encouraged to use suspension sparingly and develop other more proactive means of discipline.

Removals for 1 to 10 Cumulative Days

A student with a disability may be suspended in the same manner as a student with no disability for the first ten cumulative days of suspension. They can be removed from school and the school is not responsible for providing any special education services during the period of the removal. However, it is recommended that the IEP team meet to consider whether the student needs additional services and/or supports when the student is nearing ten days of suspension as the days of suspension are likely interfering with the student's ability to make progress on his/her IEP goals.

Removals in Excess of Ten Cumulative Days

Once the decision is made to suspend a student for the 11th day, the administrator must determine whether the removal constitutes a change of placement, as defined above. Accordingly, it is recommended that districts consider all suspensions of 11 or more cumulative days to be a change in placement.

If the removal does constitute a change of placement, the district can still suspend the student, but the process becomes more complicated. Additionally, the federal timelines for a manifestation determination (MD) meeting will likely not line up with the state timelines regarding suspensions. The district will have to conduct a manifestation determination (MD) but by the time this is accomplished the suspension will more than likely have already been implemented. This is because the manifestation determination (MD) process is designed for disciplinary cases where expulsion is at issue, and the law assumes that IEP teams are including behavioral interventions for students with disabilities who have repeated suspensions.

Manifestation Determination Procedures

On the date on which the decision is made to make a removal for disciplinary reasons that constitutes a change in placement, the district must notify the parents of that decision and provide the parents with a Notice of Procedural Safeguards.

Add assessment/determined to use current assessment, if available

Using Manifestation form in SEIS, the IEP team meets to review assessment and all relevant information in the student's file, including any relevant information provided by the parent to determine:

A. If the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or

B. If the conduct in question was the direct result of the district's failure to implement the IEP

If either of the previous conditions is found to be true, the behavior shall be determined to be a manifestation of the students' disability. If neither condition is met, the behavior is not a manifestation of the students' disability.

Behavior IS NOT a Manifestation of the Disability

If the IEP team determines that the student's behavior was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities except that the student shall continue to receive services to the extent necessary to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. However, the decision regarding the extent and location of services during the removal will be determined by the IEP team. The IEP team will also review the student's behavior plan, or, in the case where there is no behavior plan, consider the need for developing one and/or the need for an FBA.

Behavior IS a Manifestation of the Disability

When the behavior is found to be a manifestation of the student's disability or a direct result of the failure to implement the IEP, the IEP team must:

A. Either conduct an FBA and develop a BIP, or when a BIP has already been developed, review the current BIP and modify it as necessary; and

B. Return the student to the placement from which the student was removed, unless the parent and district agree to a change of placement.

If the behavior is a manifestation of the student's disability or a direct result of the failure to implement the IEP, the district is not required to expunge the suspension or expulsion recommendation from the student's record. The district is only required to take actions A and B above.

Exceptions to the Manifestation Determination Rule

School staff may remove a student to an interim alternative educational setting (IAES) for not more than 45 school days, without regard to whether the behavior is determined to be a manifestation of the student's disability, when the student commits one of the following acts:

A. Carries or possesses a weapon, as defined in 18 USC 930 (g) (2), to or at school, on school premises or to or at a school function under the jurisdiction of the district.

B. Knowingly possesses or uses illegal drugs, as defined in 34 CFR 300.530(i) (2), while at school, on school premises or at a school function under the jurisdiction of the district.

C. Sells or solicits the sale of a controlled substance as defined in 21 USC 812(c), while at school, on school premises or at a school function under the jurisdiction of the district.

D. Has inflicted serious bodily injury upon another person as defined in USC § 1365(h)(3), while at school, on school premises, or at a school function under the jurisdiction of the district. Serious bodily injury means:

Substantial risk of death.

A. Extreme physical pain.

B. Protracted/obvious disfigurement.

C. Protracted loss/impairment of function of a bodily member, organ or mental faculty.

The interim alternative educational setting shall be determined by the IEP team. For most districts there are few options to use as an IAES. The most common placements tend to be community schools and in some case home instruction. Prior to assigning a student to home instruction, districts should check with the SELPA and/or their own legal counsel for recent rulings on this placement option.

Expulsion Procedures for Identified Student with Disability Needs

Expulsion is always a change in placement. Prior to expelling a student with disabilities, the district must conduct a manifestation determination (MD). If the IEP team determines that the behavior is a manifestation of the student's disability, the district must terminate expulsion proceeding and implement the manifestation determination (MD) procedures outlined above under suspension. This is true even if the behavior is one that requires mandatory expulsion under state or federal laws. If the IEP team determines that the behavior in question is not a manifestation of the student's disability, the district governing board may continue with expulsion proceedings. In the event of an expulsion, the governing board will determine the placement and all other aspects of the expulsion for a student with a disability in the same manner that it does for students who are not disabled. Whenever a student with a disability is expelled, the IEP team will meet to determine the extent of services necessary to enable the student to appropriately progress in the general curriculum, although in another setting, and appropriately advance toward achieving the goals set out in the student's IEP. If the parent does not agree with the decision of the IEP team, the parent may file for a due process hearing as described in the Due Process Appeals section of this policy. However, the district may proceed with disciplinary action.

Services Post-Expulsion

Any student with a disability who is expelled shall continue to receive services during the term of the expulsion to the extent necessary to enable the student to appropriately progress in the general curriculum, although in another setting, and appropriately advance toward achieving the goals set out in the student's IEP. The type and extent of services will be determined by the IEP team.

Readmission

Readmission procedures for students with disabilities shall be the same as those used for all students. Upon readmission, an IEP team meeting shall be convened, and a new IEP will be developed to address the student's needs in the new environment.

Suspension of Expulsion

The Governing Board's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students except that an IEP meeting shall be held to review and amend the existing IEP as appropriate. If a student is placed on a suspended expulsion and engages in another act that would cause his or her expulsion to be reinstated, the IEP team must hold a second manifestation determination (MD) meeting on the new conduct prior to reinstating the expulsion.

Notification to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, including any student with a disability, the principal or designee shall notify appropriate city or county law enforcement authorities of any act of assault with a deadly weapon which may have violated Penal Code 245 (assault with a deadly weapon or firearm).

Within one school day after a suspension or expulsion of a student with disabilities, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any act by the student which may violate EC 48900(c) or (d), relating to the possession, use, offering or sale of controlled substances, alcohol, or intoxicants of any kind.

The principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any act by the student which involves the possession or sale of controlled substances or a violation of Penal Code 626.9 or 626.10.

Transmittal of Records

A district reporting a crime committed by a student with a disability must ensure that copies of the student's special education and disciplinary records are transmitted for consideration by the appropriate authorities to whom the district reports the crime. These records may only be transmitted to the appropriate authorities as permitted by the Family Educational Rights and Privacy Act (FERPA) and corresponding state law. In the absence of a subpoena, the reporting district will request written parental consent for the exchange of information prior to transmitting any special education or disciplinary records. The district should consult legal counsel if there is a question about whether authorities have a right to view and/or receive student records.

Due Process Appeals

If the parent/guardian disagrees with the determination that the student's behavior was not a manifestation of his/her disability or with any decision regarding placement in an interim alternative educational setting, the parent/guardian has a right to appeal the decision to a hearing officer. If the student's parent/guardian initiates a due process hearing to challenge the interim alternative educational placement or the manifestation determination (MD), the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or the expiration of the 45-school daytime period, whichever occurs first, unless the parent/guardian and district agree otherwise. If school personnel maintain that it is dangerous for the student to continue to be placed in the current placement (placement prior to removal to the interim alternative education setting) while the due process proceedings are pending, the Superintendent or designee may request an expedited due process hearing.

Local Forms

Suspensions and/or expulsions should be documented using district general education forms. A Manifestation Determination Form is available in SEIS for IEP teams to use.

SECTION III – RIGHTS OF STUDENTS NOT YET ELIGIBLE FOR SPECIAL EDUCATION

A student who has not been officially identified as a student with disabilities may assert the procedural safeguards granted to a student with a disability only if the district had knowledge that the student had a disability before the behavior that precipitated the disciplinary action occurred. The decision as to whether the district had prior knowledge shall be made by the appropriate district special education administrator.

The district shall be deemed to have had knowledge that the student had a disability if before the behavior that precipitated the disciplinary action:

A. The parent/guardian expressed concern to supervisory or administrative personnel of the district or a teacher of the student, in writing, that the student needs special education or related services; or

B. The parent or guardian requested an evaluation of the student for special education eligibility; or

C. The teacher of the student or other district personnel expressed specific concerns directly to the district's director of special education or other supervisory district personnel about a pattern of behavior demonstrated by the student.

The district would be deemed to not have knowledge that a student is disabled if the parent/guardian has not allowed the student to be evaluated for special education services or has refused services. In addition, the district would be deemed to not have knowledge if the district had conducted an evaluation and determined that the student was not an individual with a disability. If the district did not have knowledge of the disability, the student shall be disciplined in accordance with procedures established for students without disabilities.

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures, the law requires that the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities, which may include suspension or expulsion without educational services. If the student is eventually found eligible for special education services, the district shall develop an IEP subject to the procedures for identified student with a disability.

CHAPTER XII – RESOLUTION STRATEGIES

SECTION I – ALTERNATIVE DISPUTE RESOLUTION (ADR)

The East Valley SELPA embraces the tenets of resolving differences in a collaborative and meaningful manner. To do so, in place is a SELPA-wide ADR initiative and accompanying processes. The focus of the initiative is to build a foundation for strong relationships between all stakeholders based on intentional and proactive planning. The SELPA provides training to parents and educators to support the initiative; the cornerstone of the which is the EV SELPA program manager who facilitates these activities.

The end goal of the EV SELPA ADR support plan is for the practices and strategies incorporated in it to become a way of working and communicating throughout the SELPA that allows educators and parents to confidently and more independently engage in difficult, yet productive conversations that result in positive outcomes for students while further enhancing parent-school relationships as well as developing and deepening an understanding of distance learning as a means to provide special education services that can meet students' unique needs. The following outlines the core principles of the EV SELPA ADR philosophy.

Stage I focuses on using multiple communication, engagement, and training tools and strategies as preventive measures. Communication is enhanced through the use of online, social media mechanisms, parent meetings, and stakeholder trainings.

Stage II addresses managing disagreements and misunderstandings through the use of assistance programs as well as technical advisors and coaches. This involves parent-to-parent and teacher-to-parent assistance options so that parents and teachers trained in communication strategies related to dispute resolution as well as knowledgeable about the distance learning options within a district are available to assist parents who do not feel heard or do not feel their concerns are addressed. In addition, technical advisors and coaches can assist all involved as they manage disagreements.

Stage III is managing the conflict. The EV SELPA program manager supports as outlined above are in place. In addition, consultants and professional mediators can be made available to assist districts with working through the most challenging conflict situations and those that remain unresolved as they arise.

A variety of ADR options can be implemented to resolve a conflict. Each situation is unique and the intervention should be appropriately tailored to create the best possible chance for agreement. While not an exhaustive list, the following are suggested interventions that may assist the district and a family in arriving at an agreed upon resolution:

1. Site Level – Phone Call/Meeting. Parents may have a meeting with site administration to discuss concerns and the nature of the disagreement.
2. Site Level – Facilitated IEP. School site or parent may request an IEP meeting facilitated by a district facilitator. The process enables the IEP team to build relationships, focus on the IEP content and the student, honor time limits, and work toward a positive resolution.
3. District Level – Conference. Parent may have a private meeting with a special education administrator to listen to concerns, identify a process to help, offer suggestions, and resolve issues.
4. District Level – Informal Dispute Resolution. A confidential session may be held with the disputing parties to mediate a mutually satisfying agreement. Both parties are given time to express their views and a mediator assists to find a solution.
5. SELPA Support. Request ADR at the SELPA level using the EV SELPA ADR Request Form. The request can be completed by a parent and/or district.

Families can also be provided with contact information to the California Department of Education Constituent Office. This office is dedicated to enhancing communications and support for families. They are available Monday through Friday, 8am – 5pm and can be reached at 800-926-0648 or SEDCO@cde.ca.gov.

Email evselpa@sbcss.net for more information.

SECTION II – DUE PROCESS

Due Process ensures children with disabilities receive a free and appropriate public education (FAPE). Due process is a requirement under the Individuals with Disabilities Education Act (IDEA) that provides a regulatory basis for a formal set of policies and procedures implemented by schools and districts for children with disabilities. These policies and procedures are described in the East Valley SELPA Notice of Procedural Safeguards, otherwise known as Parents' Rights. SELPA school districts provide the Parents' Rights annually to parents of children with disabilities.

The East Valley SELPA Program Manager for Due Process provides support and technical assistance to member district's Special Education Directors and Administrators to help ensure compliance with state and federal laws and regulations regarding special education and due process procedures. This is comprised of Alternative Dispute Resolution (ADR), Early Resolution Sessions, Mediations as well as participation in Due Process Hearings. This also includes notifications of parent rights and procedural safeguards and compliance with mandated timelines associated with assessment and placement of children with disabilities.

The East Valley SELPA is a strong advocate for Alternative Dispute Resolution (ADR). This is an option that provides for a neutral facilitator to bring the parties together during a disagreement. This option can help provide a resolution to the disagreement sooner without the time, expense, and emotional toll of a due process hearing.

Mediation

Parents may also seek resolution through mediation only prior to filing a request for a due process hearing. The conference is an informal proceeding conducted in a non-adversarial manner to resolve issues related to the identification, assessment, or educational placement of a child or to a Free and Appropriate Education (FAPE). Mediation only requests are also maintained by the Office of Administrative Hearings.

Due Process Hearings

Procedures for a due process hearing may be initiated by a parent, student, or a public agency anytime there is a proposal to initiate or change, or refusal to initiate or change, the identification, assessment, educational placement, or the provision of a free and appropriate public education.

Any party to a hearing has the right to be accompanied and advised by an attorney and/or individuals with special knowledge or training. During due process, the parties may present evidence, confront, cross-examine, and compel attendance of witnesses; prohibit the introduction of evidence that has not been disclosed at least five days prior to the hearing; obtain a written or electronic record of the hearing; and obtain written findings of fact within forty-five days from the receipt of the initial request for a hearing.

Proceedings are held by the Office of Administrative Hearings and the decision of the hearing officer is final and binding on both parties; however, either party may appeal to a court within ninety days of the final decision. Parents have the right for a hearing to be open to the public. Requests for a hearing are sent to the Office of Administrative Hearings (OAH) Special Education Division, 2349 Gateway Drive, Suite 200, Sacramento, CA 95833. Requests for a due process hearing must include the student's name, residential address, the name of the student's school, a description of the problem, facts about the problem and proposed resolution(s). A copy of the

Parent Rights and Procedural Safeguards may be requested from any of the East Valley SELPA Member school districts or directly from the East Valley SELPA.

Complaints

Parents may file a state compliance complaint when they believe that a school district has violated federal or state special education laws or regulations. A written complaint must specify at least one alleged violation of federal and state special education laws. The violation must have occurred not more than one year prior to the date the complaint is received by the California Department of Education (CDE). When filing a complaint, parents must forward a copy of the complaint to the school district at the same time they file a state compliance complaint with the CDE. (34 CFR 300.151–153; 5 CCR 4600). Complaints alleging violations of federal and state special education laws or regulations may be mailed to:

California Department of Education
Special Education Division
Procedural Safeguards Referral Service
1430 N Street, Suite 2401
Sacramento, CA 95814
Phone: 800-926-0648
Fax: 916-327-3704

For complaints involving issues not covered by federal or state special education laws or regulations, school districts have uniform complaint procedures.

CHAPTER XIII – EAST VALLEY SELPA ADMINISITRATIVE PROCEDURES

SECTION I – ADDITIONAL SUPPORT ASSESSMENT (ASA) GUIDEBOOK

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ASA Process Step – by – Step	
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Step 3: Conduct Interviews • Form D: Teacher/School Staff Interview • Form E: Parent/Guardian Interview • Form F: Student Interview	
Step 4: Arrange Data Collection by Classroom Staff if Applicable • Form G1: Frequency Data Sheet • Form G2: Frequency of Prompting Data Sheet • Form H: Duration Data Sheet • Form I: Scatterplot Data Sheet • Form J: Latency Data Sheet	
Step 5: Complete Observations • Form K1: Observation and School Day Analysis • Form K2: Observation and School Day Analysis • Form K3: Observation and School Day Analysis • Form L: Time Sampling Data Sheet • Form M: Evaluator's Peer Comparison Time Sampling Data Sheet (if applicable)	
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Step 7: Hold IEP Meeting	
References	

List of ASA Forms

Form	ASA Step	Spanish Version	Fillable PDF
ASA Tracking Form and EV-9	1		√
Form A: Additional Support Rubric for School Staff	2		
Form B: Teacher's Peer Comparison Rating Scale	2		
Form C: Student's Progress on Goals	2		
Form D: Teacher/School Staff Interview	3		√
Form E: Parent/Guardian Interview	3	√	√
Form F: Student Interview	3	√	√
Form G1: Frequency Data Sheet	4		
Form G2: Frequency of Prompting Data Sheet	4		
Form H: Duration Data Sheet	4		
Form I: Scatterplot Data Sheet	4		
Form J: Latency Data Sheet	4		
Form K-1: Observation and School Day Analysis	5		√
Form K-2: Observation and School Day Analysis	5		√
Form K-3: Observation and School Day Analysis	5		√
Form L: Time Sampling Data Sheet	5		
Form M: Evaluator's Peer Comparison Time Sampling Data Sheet (if applicable)	5		
Form N: Evaluator's Scoring for Support Consideration Sheet	6		
Form O: ASA Report	6		√
Form P: Aide Training and Fading Plan (if applicable)	6		√

ASA Tracking Form

Student		**DOB**	
School		**Teacher**	

STEP	**FORMS**	**DATES**	**NOTES**
1 Obtain Consent for Assessment	EV-9 distributed	Date:	
	EV-9 signed	Date:	
	60-day timeline	Date:	
2 Distribute Forms	Form A: Additional Support Rubric	Date distributed:	
		Date returned:	
	Form B: Teacher's Peer Comparison Rating Scale	Date distributed:	
		Date returned:	
	Form C: Student's Progress on Goals	Date distributed:	
		Date returned:	
3 Conduct Interviews	Form D: Teacher/School Staff Interview	Date:	
	Form E: Parent/Guardian Interview	Date:	
	Form F: Student Interview	Date:	
4 Data Collection by Classroom Staff	□ Form G1: Frequency Data Sheet	Date:	
	□ Form G2: Frequency Data Sheet	Date:	
	□ Form H: Duration Data Sheet	Date:	
	□ Form I: Scatterplot Data Sheet	Date:	
	□ Form J: Latency Data Sheet	Date:	
	□ Other:	Date:	
5 Complete Observations	□ Form K1: Obs. & School Day Analysis	Date:	
	□ Form K2: Obs. & School Day Analysis	Date:	
	□ Form K3: Obs. & School Day Analysis	Date:	
	□ Form L: Time Sampling Data Sheet	Date:	
	□ Form M: Evaluator's Peer Comparison	Date:	
6 Consider Supports & Generate Report	Form N: Evaluator's Scoring for Support Consideration Sheet	Date:	
	Form O: ASA Report	Date:	
	Form P: Aide Training & Fading Plan (if applicable)	Date:	
7	IEP Held	Date(s):	

Hold IEP Mtg	IEP Signed	Date:	

Introduction

The goal for all students with disabilities under the Individual with Disabilities Education Act (IDEA) is to develop independence in the Least Restrictive Environment (LRE) (20 U.S.C. §1400(C) (1); CFR. §300.1. Additional support may only be included in the Individualized Education Program (IEP) within the context of this goal. The addition of Intensive Individual Services (1:1 aide) to a student's IEP is only one way to support independence in the LRE. Aides should not be provided without first considering less intrusive alternatives that do not compromise students' abilities to develop as independent citizens. The determination of a need for additional support is made through a carefully planned assessment. Whenever additional support is considered, the student's total educational program must be carefully reviewed with an emphasis on the following four areas:

A. Health and Personal Care

The Health and Personal Care area may include, but are not limited to, self-help and bathroom needs, assistance during meals, and specialized care or medical procedures.

Behavior

Some students may require additional support due to behavior challenges. The first step in the support process is to ensure appropriate behavioral goals are included in the IEP and implemented with fidelity. If challenges persist, a Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP) may be appropriate. Aide support or Intensive Individual Services for behavioral challenges should not be recommended without such supports already in place. Aide support may at times be appropriate on a time limited basis in order to assist with the implementation of a BIP.

Instruction

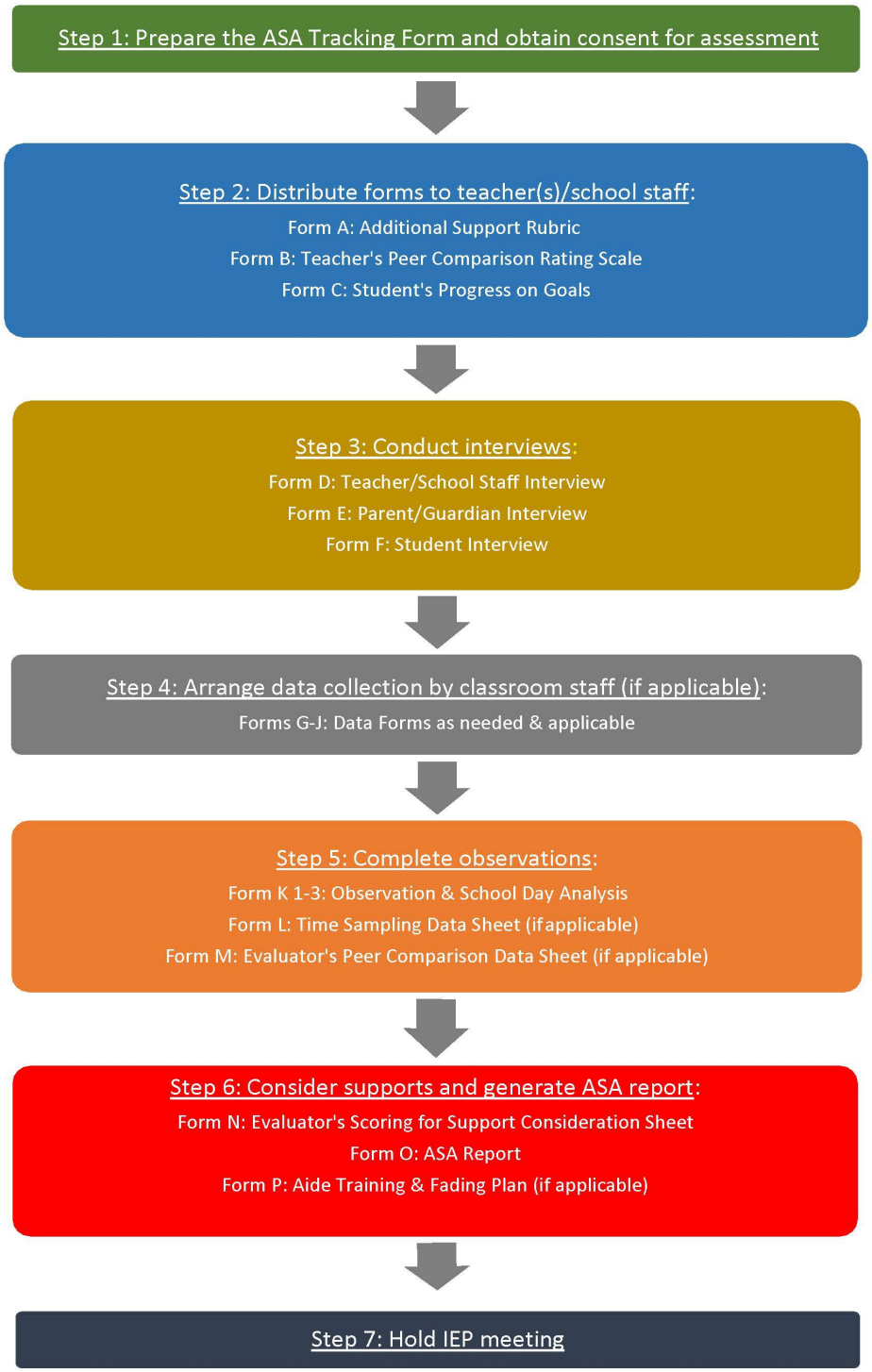
This area includes instructional support to facilitate on-task behavior through curriculum adaptations, prompts, reinforcement, accommodations and modifications, and specialized instructional strategies.

Inclusion

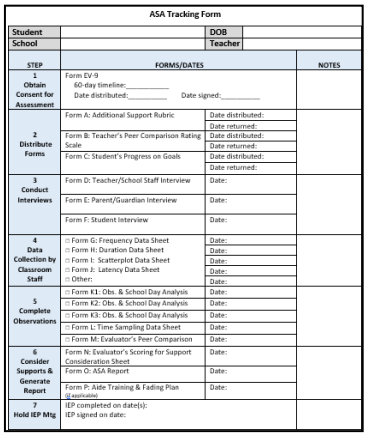
The inclusion area includes support during activities with general education peers. Support may be needed to ensure safety or to facilitate peer interaction. Transition support from classroom to classroom, recess to class and reverse, or between activities may also be indicated. The use of less restrictive supports, such as peer buddies and existing resources, should always be considered prior to assigning aide support.

The *Additional Support Assessment (ASA) Guidebook* provides a 7-step process for collecting the necessary information to identify additional student supports. A primary evaluator is assigned to conduct the assessment and lead the team through the ASA process from the referral stage to the IEP. All stages are described in this *ASA Guidebook*. The *ASA Guidebook* and accompanying *ASA Forms* are available within the Staff Portal of the EV SELPA website at https://documents.eastvalleyselpa.org/login

ASA Process Step-by-Step



STEP 1: Prepare the ASA Tracking Form



ASA Tracking Form

Student		DOB	
School		Teacher	

STEP	FORMS/DATES		NOTES
1 Obtain Consent for Assessment	Form EV-9 60-day timeline:_____ Date distributed:_____ Date signed:_____		
2 Distribute Forms	Form A: Additional Support Rubric	Date distributed: Date returned:	
	Form B: Teacher's Peer Comparison Rating Scale	Date distributed: Date returned:	
	Form C: Student's Progress on Goals	Date distributed: Date returned:	
3 Conduct Interviews	Form D: Teacher/School Staff Interview	Date:	
	Form E: Parent/Guardian Interview	Date:	
	Form F: Student Interview	Date:	
4 Data Collection by Classroom Staff	○ Form G: Frequency Data Sheet ○ Form H: Duration Data Sheet ○ Form I: Scatterplot Data Sheet ○ Form J: Latency Data Sheet ○ Other:	Date: Date: Date: Date: Date:	
5 Complete Observations	○ Form K1: Obs. & School Day Analysis ○ Form K2: Obs. & School Day Analysis ○ Form K3: Obs. & School Day Analysis ○ Form L: Time Sampling Data Sheet ○ Form M: Evaluator's Peer Comparison	Date: Date: Date: Date: Date:	
6 Consider Supports & Generate Report	Form N: Evaluator's Scoring for Support Consideration Sheet Form O: ASA Report Form P: Aide Training & Fading Plan (if applicable)	Date: Date: Date:	
7 Hold IEP Mtg	IEP completed on date(s): IEP signed on date:		

What?

The *ASA Tracking Form* is an organizational sheet for the evaluator. The form is used to keep track of all completed ASA steps, the forms used, and the dates all activities were initiated and/or completed. The *ASA Tracking Form* is included in the front section of this Guidebook. It can also be downloaded from the staff portal of the EV SELPA website.

ASA Tracking Form

When?

As soon as the *Assessment Plan (EV-9)* has been provided to the parent, the evaluator prepares the *ASA Tracking Form* by entering the identifying student information at the top of the form. The form is now ready to use.

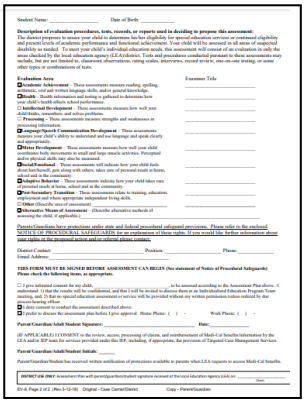
Why?

Federal and state law require assessments to be conducted within a specific time frame. It is therefore important to complete all ASA steps in a timely manner to meet the student's needs and avoid being out of compliance.

How?

As soon as the *Assessment Plan (EV-9)* has been provided to the parent, the evaluator notes the date the form was provided on the *ASA Tracking Form* and calculates the 60-day timeline (the latest date the ASA must be presented to the parent in an IEP meeting). The 60-day timeline is then recorded on the *ASA Tracking Form*. The remaining parts of the form is filled out as the respective activities are completed.

STEP 1: Obtain Consent for Assessment



Student Name: _____ Date of Birth: _____

Description of evaluation procedures, tests, records, or reports used in deciding to propose this assessment:
The district proposes to assess your child to determine his/her eligibility for special education services or continued eligibility and present levels of academic performance and functional achievement. Your child will be assessed in all areas of suspected disability as needed. To meet your child's individual education needs, this assessment will consist of an evaluation in only the areas checked by the local education agency (LEA)/district. Tests and procedures conducted pursuant to these assessments may include, but are not limited to, classroom observations, rating scales, interviews, record review, one-on-one testing, or some other types or combinations of tests.

Evaluation Area — **Examiner Title**

- ☐ **Academic Achievement** – These assessments measure reading, spelling, written language, math, and other academic skills. _____
- ☐ **Health** – Health information and testing is gathered to determine how your child's health affects school performance. _____
- ☐ **Intellectual Development** – These assessments measure how well your child thinks, remembers, and solves problems. _____
- ☐ **Processing** – These assessments measure strengths and weaknesses in processing information. _____
- ☐ **Language/Speech Communication Development** – These assessments measure your child's ability to understand and use language and speak clearly and appropriately. _____
- ☐ **Motor Development** – These assessments measure how well your child coordinates body movements in small and large muscle activities. Perceptual motor skills may also be assessed. _____
- ☐ **Social/Emotional** – These assessments will indicate how your child feels about him/herself, gets along with others, takes care of personal needs at home, and behaves in school. _____
- ☐ **Adaptive Behavior** – These assessments indicate how your child takes care of personal needs at home, school and in the community. _____
- ☐ **Post-Secondary Transition** – These assessments relate to training, education, employment and where appropriate independent living skills. _____
- ☐ **Other** (Describe area of assessment) _____
- ☐ **Alternative Means of Assessment** – (Describe alternative methods of assessing the child, if applicable.) _____

Parents/Guardians have protections under state and federal procedural safeguard provisions. Please refer to the enclosed NOTICE OF PROCEDURAL SAFEGUARDS for an explanation of these rights. If you would like further information about your rights or the proposed action and/or referral please contact:

District Contact: _____ Position: _____ Phone: _____
Email Address: _____

THIS FORM MUST BE SIGNED BEFORE ASSESSMENT CAN BEGIN (See statement of Notice of Procedural Safeguards)
Please check the following items, as appropriate.

☐ I give informed consent for my child, _____, to be assessed according to the Assessment Plan above. I understand: 1) that the results will be confidential, and that I will be invited to discuss them at an Individualized Education Program Team meeting, and, 2) that no special education assessment or service will be provided without my written permission unless ordered by due process hearing officer.
☐ I deny consent to conduct the assessment described above.
☐ I prefer to discuss the assessment plan before I give approval. Home Phone: ( ) - Work Phone: ( ) -

Parent/Guardian/Adult Student Signature: _____ **Date:** _____

(IF APPLICABLE) CONSENT to the review, access, processing of claims, and reimbursement of Medi-Cal benefits/information by the LEA and/or IEP team for services provided under this IEP, including, if appropriate, the provision of Targeted Case Management Services.

Parent/Guardian/Adult Student Initials: _____

Parent/Guardian/Student has received written notification of protections available to parents when LEA requests to access Medi-Cal benefits.

DISTRICT USE ONLY: Assessment Plan with parent/guardian/student signature received at the Local Education Agency (LEA) on _____ Date: _____

EV-9, Page 2 of 2 (Rev.3-12-18) Original – Case Carrier/District Copy – Parent/Guardian

What and When?

The Assessment Plan (EV-9) is a document on which a parent or guardian consent to student assessment(s). The EV-9 must be provided to parents or caregivers for signing within 15 days of a request for additional support. When the Local Education Agency (LEA) receives the EV-9 with a consenting signature, the IEP team has 60 days to conduct the assessment and hold an IEP team meeting to review the results and recommendations.

Assessment Plan - EV-9

Why?

Federal and state law require parental or guardian consent to assess students for the purposes of determining appropriate specialized IEP services. This includes any assessment to determine if additional support is necessary to meet the student's IEP goals and achieve educational benefit.

How?

The entire Assessment Plan (EV-9) must be filled out in SEIS. The box titled "Other" is checked, and the assessment is described as *Additional Support Assessment*. The examiner's title is then added. Appropriate examiner staff may include psychologists, program specialists, behavior specialists, and others with the skills to conduct such assessments. In the following example from SEIS (Figure 1), the Additional Support Assessment will be conducted by a school psychologist:

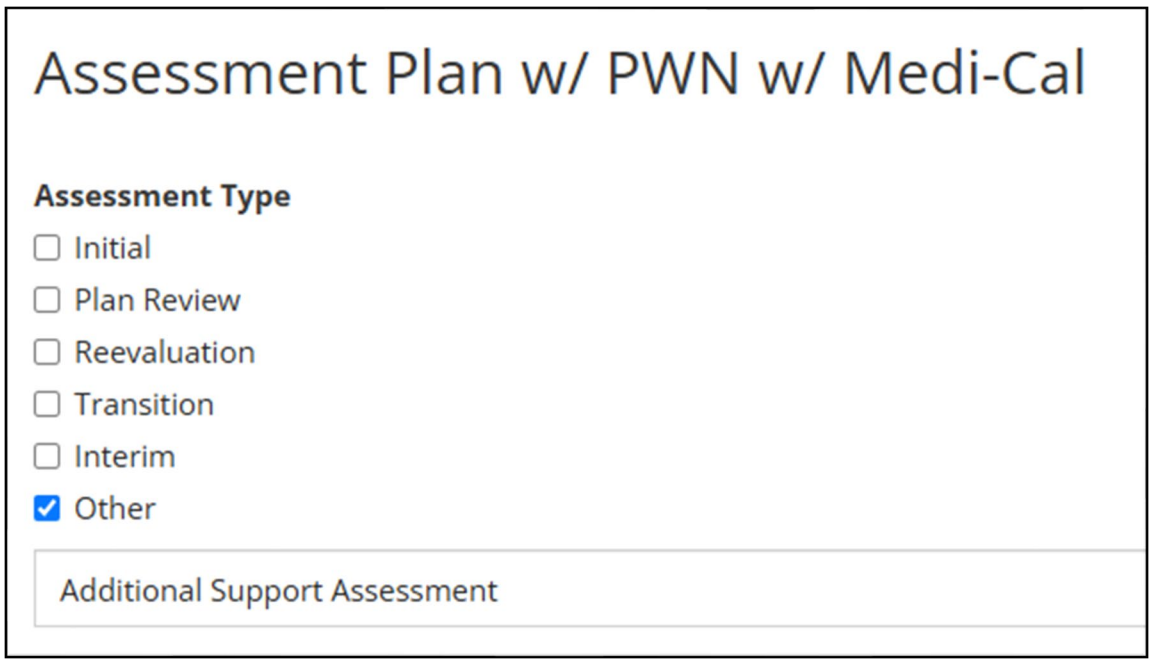
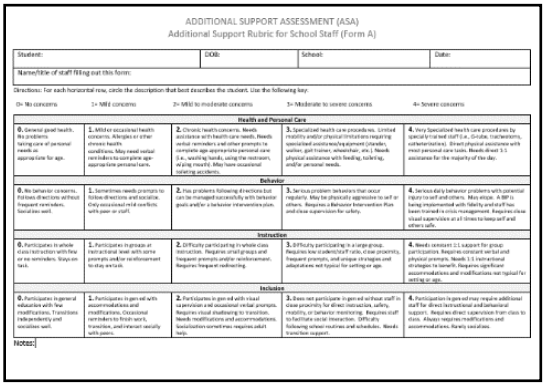


Figure 1: Screen from Assessment Plan w/PWN w/Medi-Cal from SEIS

STEP 2: Distribute Forms to Teacher

Form A: Additional Support Rubric for School


ADDITIONAL SUPPORT ASSESSMENT (ASA)
Additional Support Rubric for School Staff (Form A)

What?

The *Additional Support Rubric for School Staff (Form A)* is a rubric designed to rate the student's need for support in the four areas of Health and Personal Care, Behavior, Instruction, and Inclusion. The rubric is typically filled out by the student's teacher(s), but other relevant staff may also be asked to provide input. Although the form contains instructions, it may be helpful if the evaluator

reviews the instructions with the teacher or other school staff when distributing it.

Form A

When?

After obtaining parental/guardian consent for assessment in step 1, the evaluator provides the student's teacher and any relevant school staff with various forms (see step 2, page 2), including the *Additional Support Rubric for School Staff (Form A)* and establishes a timeline for its completion. In addition to the teacher(s), relevant school staff may include medical/health staff, related service providers, and others who have knowledge of the student's referral needs.

Why?

The teacher and other relevant school staff have unique day-to-day knowledge about the student's functioning in the educational setting. The *Additional Support Rubric for School Staff (Form A)* provides a structured way for teachers and other staff to rate the student's needs in the four assessments areas of 1) Health and Personal Care, 2) Behavior, 3) Instruction, and 4) Inclusion. This ensures all areas of need are considered.

How?

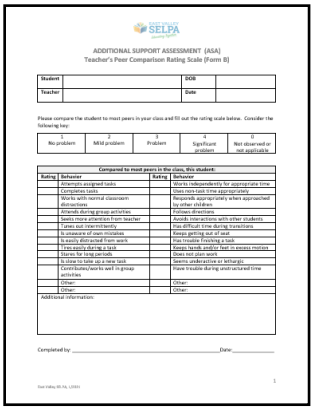
The *Additional Support Rubric for School Staff (Form A)* consists of four rows with each corresponding to one of the four assessment areas listed above. Each assessment area is rated on a scale of 0 to 4 with 0 = No Concerns, 1 = Mild Concerns, 2 = Mild to Moderate Concerns, 3 = Moderate to Severe Concerns, and 4 = Severe Concerns. The rating which best describes the student is circled in each assessment area. In the following example (figure 2), the teacher has rated the student with no concerns (0) in the area of Health and Personal Care, mild concerns (1) in the area of Behavior, mild to moderate concerns (2) in the area of Instruction, and mild to moderate concerns (2) in the area of Inclusion.

Health and Personal Care				
0. General good health. No problems taking care of personal needs as appropriate for age.	**1.** Mild or occasional health concerns. Allergies or other chronic health conditions. May need verbal reminders to complete age-appropriate personal care.	**2.** Chronic health concerns. Needs assistance with health care needs. Needs verbal reminders and other prompts to complete age-appropriate personal care (i.e., washing hands, using the restroom, wiping mouth). May have occasional toileting accidents.	**3.** Specialized health care procedures. Limited mobility and/or physical limitations requiring specialized assistance/equipment (stander, walker, gait trainer, wheelchair, etc.). Needs some physical assistance with feeding, toileting, and/or personal needs.	**4.** Very Specialized health care procedures by specially trained staff (i.e., G-tube, tracheotomy, catheterization). Direct physical assistance with most personal care tasks. Needs direct 1:1 assistance throughout the day.
Behavior				
0. No behavior concerns. Follows directions without frequent reminders. Socializes well.	**1.** Sometimes needs prompts to follow directions and socialize. Only occasional mild conflicts with peer or staff.	**2.** Has problems following directions but can be managed successfully with IEP behavior goals and/or a behavior intervention plan.	**3.** Problem behaviors occur every week, but rarely every day. Behavior Intervention Plan is implemented. Most problem behaviors happen during specific predictable times or activities and require close supervision. May be physically aggressive to self or others.	**4.** Serious daily behavior problems with potential injury to self and others. May elope. A Behavior Intervention Plan is being implemented and staff has been trained in crisis management. Requires close visual supervision at all times to keep self and others safe.
Instruction				
0. Participates successfully in all whole class instruction at instructional level. Stays on task with no problem.	**1.** Participates in all whole class at instructional level with few prompts and/or reinforcement to stay on task.	**2.** Participates in whole class instruction with frequent prompts and reinforcement. Requires frequent redirecting to stay on task. Participates in group instruction with few prompts.	**3.** Participates in preferred whole and group instruction with frequent prompts and individualized reinforcement. Requires low student/staff ratio, close proximity, constant prompts, and unique strategies during non-preferred or difficult instruction.	**4.** Needs constant individual support for whole and group participation. Requires constant prompts throughout the day. Needs individual instructional strategies to benefit. Requires significant accommodations and modifications not typical for setting or age.
Inclusion				
0. Participates in general education with few modifications. Transitions independently and socializes well.	**1.** Participates in gen ed with accommodations and modifications. Occasional reminders to finish work, transition, and interact socially with peers.	**2.** Participates in gen ed with visual supervision and occasional verbal prompts. Requires visual shadowing to transition. Needs modifications and accommodations. Socialization sometimes requires adult help.	**3.** Does not participate in gen ed without classroom staff in close proximity during some specific and/or predictable activities to support instruction, ensure safety and behavior monitoring. Requires staff to support social interactions and transitions.	**4.** Participation in gen ed requires additional staff in close proximity for individual direct instructional, behavioral, and social support throughout the day. Requires adult direct supervision from class to class. Always requires modifications and accommodations. Requires supervision for safety throughout the day.

Figure 2: Form A

STEP 2: Distribute Forms to Teachers

Form B: Teacher's Peer Comparison Rating Scale



ADDITIONAL SUPPORT ASSESSMENT (ASA)
Teacher's Peer Comparison Rating Scale (Form B)

Student		DOB	
Teacher		Date	

Please compare the student to most peers in your class and fill out the rating scale below. Consider the following key:

1	2	3	4	0
No problem	Mild problem	Problem	Significant problem	Not observed or not applicable

Compared to most peers in the class, this student:

Rating	Behavior	Rating	Behavior
	Attempts assigned tasks		Works independently for appropriate time
	Completes tasks		Does non-task time appropriately
	Works with normal classroom distractions		Responds appropriately when approached by other children
	Attends during group activities		Follows directions
	Seeks more attention from teacher		Avoids interactions with other students
	Tunes out intermittently		Has difficult time during transitions
	Is unaware of own mistakes		Keeps getting out of seat
	Is easily distracted from work		Has trouble finishing a task
	Uses apply during a task		Keeps hands and/or feet in excess motion
	Stares for long periods		Does not plan ahead
	Is slow to take up a new task		Seems underactive or lethargic
	Contributes/works well in group activities		Have trouble during unstructured time
	Other:		Other:
	Other:		Other:

Additional Information:

Completed by: _____ Date: _____

What and When?

The *Teacher's Peer Comparison Rating Scale (Form B)* is used to rate the student's behavior compared to peers. After obtaining parental/guardian consent for assessment in step 1, the evaluator provides the student's teacher with various forms (see step 2, page 2), including the *Teacher's Peer Comparison Rating Scale (Form B) and* establishes a timeline for its completion.

Form B

Why?

To determine possible supports, it is helpful to discover how the student is functioning in comparison to peers in the same setting. If the student is struggling relative to peers, different or additional supports may be needed.

How?

The *Teacher's Peer Comparison Rating Scale (Form B)* is filled out by the teacher(s) and consists of a list of behaviors with a corresponding key for rating. Each behavior is rated on a scale of one to four with 1 = not a problem, 2 = a mild problem less than 29% of the time, 3 = a problem 30-69% of the time, and 4 = a significant problem 70-100% of the time. The percentages are approximations. The ratings below in figure 3 indicate the student has difficulty attempting and completing tasks. Moreover, there is difficulty working independently and using non-task time appropriately. Once the teacher has completed the form, the evaluator will pay particular attention to scores of 3 or 4, which may indicate a need for different or additional support.

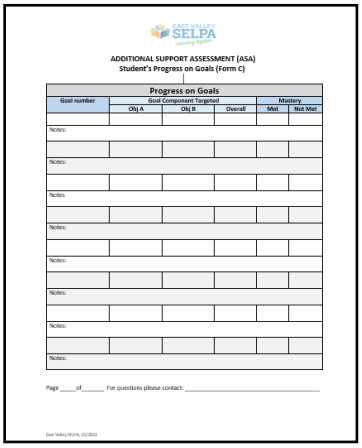
1 No Problem	2 A mild problem less than 29% of the time	3 A problem 30-69% of the time	4 A significant problem 70-100% of the time

Compared to most peers in the class, this student:			
Rating	**Behavior**	**Rating**	**Behavior**
3	Attempts assigned tasks	3	Works independently for appropriate time
4	Completes tasks	2	Uses non-task time appropriately

Figure 3: Form B

STEP 2: Distribute Forms to Teacher

Form C: Student's Progress on Goals


ADDITIONAL SUPPORT ASSESSMENT (ASA)
Student's Progress on Goals (Form C)

Progress on Goals

Goal number	Goal Component Targeted			Mastery	
	Obj A	Obj B	Overall	Met	Not Met
Notes:					
Notes:					
Notes:					
Notes:					
Notes:					
Notes:					
Notes:					
Notes:					

Page ____ of ____ For questions please contact: _____

What and When?

The *Student's Progress on Goals (Form C)* is used to determine if a student is progressing in the educational setting. After obtaining parental/guardian consent for assessment in step 1, the evaluator provides the student's teacher and any relevant school staff with various forms (see step 2, page 2), including the *Student's Progress on Goals (Form C)* and establishes a timeline for its completion. In addition to teacher(s), relevant school staff may include related service providers and others who write and implement IEP goals.

Form C

Why?

In order to make an informed, accurate, and defensible decision about current functioning and needs, it is imperative to review data on progress towards IEP goals.

How?

Referring to current progress data, the teacher or service provider fills out the *Student's Progress on Goals (Form C)*. In figure 4 below, the teacher is reporting progress on objective B of goal number 1.

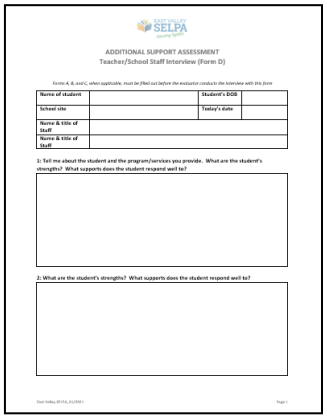
Student	Teacher	IEP date

Progress on Goals					
Goal number	Goal Component Currently Targeting (check one)			Progress Noted on This Goal Component?	
	Obj A	Obj B	Overall	yes	no
1		X		X	

Figure 4: Form C

STEP 3: Conduct Interviews

Form D: Teacher/School Staff Interview


SELPA

ADDITIONAL SUPPORT ASSESSMENT
Teacher/School Staff Interview (Form D)

Form A, B, and C, when applicable, must be filled out before the evaluator conducts the interview with this form

Name of student		Student's DOB	
School site		Today's date	
Name & title of staff			
Name & title of staff			

1: Tell me about the student and the program/services you provide. What are the student's strengths? What supports does the student respond well to?

2: What are the student's strengths? What supports does the student respond well to?

What and When?

The *Teacher/School Staff Interview (Form D)* is used to verify previously collected information and get additional input from the student's teacher and/or relevant school staff. After step 2 has been completed and the evaluator has received the *Additional Support Rubric (Form A)*, the *Teacher's Peer Comparison Rating Scale (form B)*, and the *Student's Progress on Goals (Form C)*, it is time to schedule an interview with the teacher and other school staff when applicable.

Form D

Why?

The teacher and school staff typically spend the most time with the student and are therefore in a unique position to provide relevant information on current functioning and needs. The *Teacher/School Staff Interview (Form D)* provides an opportunity for the evaluator to obtain additional knowledge and formulate clarifying questions about

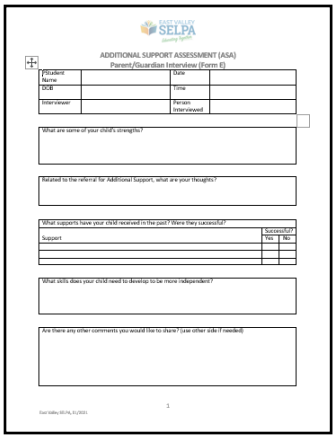
information provided on previous forms. Moreover, it is an opportunity for the teacher or school staff to ask their own questions about the process.

How?

The evaluator schedules the interview on a date and time convenient to all parties. The interview is best conducted either in-person, virtually, or by telephone. The *Teacher/School Staff Interview (Form D)* is available in a fillable PDF.

STEP 3: Conduct Interviews

Form E: Parent/Guardian Interview


ADDITIONAL SUPPORT ASSESSMENT (ASA)
Parent/Guardian Interview (Form E)

Student Name		Date	
DOB		Time	
Interviewer		Person Interviewed	

What are some of your child's strengths?

Related to the referral for Additional Support, what are your thoughts?

What supports have your child received in the past? Were they successful?

Support	Successful? Yes	No

What skills does your child need to develop to be more independent?

Are there any other comments you would like to share? (use other side if needed)

1

Form E

What and When?

The *Parent/Guardian Interview (Form E)* is used to conduct a structured interview with the parent or guardian. After step 2 is complete and the evaluator has received

- the *Additional Support Rubric (Form A)*
- the *Teacher's Peer Comparison Rating Scale (form B) and*
- the *Student's Progress on Goals (Form C)*

it is time to obtain information from the student's parent or guardian through the interview process. It is important the forms above are completed and returned to the evaluator before engaging in the interview process. This is because the information on these forms is analyzed and probed further during the interview.

Why?

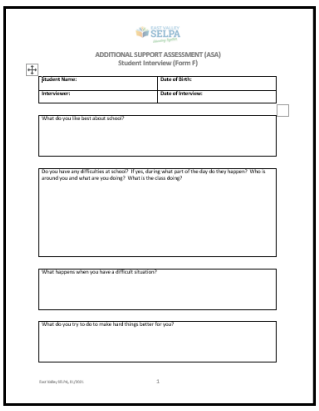
Federal Law requires the use of a variety of assessment tools and strategies to gather relevant, functional, developmental, and academic information about the child, *including information provided by the parent* (20 U.S.C. 1400 (c) (5) and (d)). Parents know their children better than anyone and are essential members of the IEP team.

How?

It is best practice to conduct the parent interview via phone, virtually, or in person. When conducted in this manner, the evaluator can obtain additional information or clarify and expand on questions and answers. If the parent is unavailable, the evaluator may send home the questionnaire with instructions to return it within a given time frame. The *Parent/Guardian Interview (Form E)* is available in both English and Spanish as needed. It is also available in a fillable PDF.

STEP 3: Conduct Interviews

Form F: Student Interview


ADDITIONAL SUPPORT ASSESSMENT (ASA)
Student Interview (Form F)

Student Name:	Date of Birth:
Interviewer:	Date of Interview:

What do you like best about school?

Do you have any difficulties at school? If yes, during what part of the day do they happen? Who is around you and what are you doing? What is the class doing?

What happens when you have a difficult situation?

What do you try to do to make hard things better for you?

Form F

What and When?

The *Student Interview (Form F)* is used to conduct a structured interview with the student when feasible. After step 2 has been completed and the evaluator has received the *Additional Support Rubric (Form A)*, the *Teacher's Peer Comparison Rating Scale (form B)*, and the *Student's Progress on Goals (Form C)*, it is time to schedule an interview with the student when appropriate and feasible.

Why?

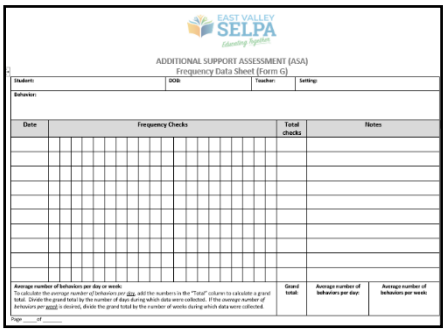
The student interview is an opportunity for the student to share their school experience. Questions prompt the student to reflect on their likes, dislikes, strengths, weaknesses, how they use their own strategies to succeed, what staff is currently doing to help, and how that help is working. This information can assist the team in identifying supports which are acceptable to the student.

How?

The evaluator determines if an interview is feasible based on the student's unique circumstances, communication skills, age or developmental level. When an interview is possible, it is important to establish rapport and trust before beginning the process. The *Student Interview (Form F)* is available in a fillable PDF.

STEP 4: Arrange Data Collection by Classroom Staff if Applicable

Form G: Frequency Data Sheet


EAST VALLEY SELPA
Learning Together

ADDITIONAL SUPPORT ASSESSMENT (ASA)
Frequency Data Sheet (Form G)

Student:	DOB:	Teacher:	Setting:

Behavior:

Date	Frequency Checks	Total checks	Notes

Average number of behaviors per day or week:
To calculate the average number of behaviors per day, add the numbers in the "Total" column to calculate a grand total. Divide the grand total by the number of days during which data were collected. If the average number of behaviors per week is desired, divide the grand total by the number of weeks during which data were collected.

Grand total: | Average number of behaviors per day: | Average number of behaviors per week:

Page ___ of _____

Form G1

What and When?

The *Frequency Data Sheet (Form G1)* is used to collect data on how often a student engages in a behavior. After conducting interviews, the evaluator is knowledgeable about the student concerns. If daily specific and objective data is needed over a period of time, the evaluator may decide to arrange for data to be collected by classroom staff.

Why?

Data collection by classroom staff over a period of days may provide a more complete picture of the various dimensions of the behavior(s) of concern. Knowing how often the behaviors are occurring, and whether there is an increase or decrease in positive behaviors or challenging behaviors, can assist the team in determining the need for additional support.

How?

The *Frequency Data Sheet (Form G1)* is arranged in a table to allow for quick data entry during instruction. The behavior identified for change is defined in the second row. For each date, staff places a frequency check in the corresponding row of boxes every time the behavior occurs. At the end of the observation period on the given date, the checks are added to determine the total number of behaviors in the "total checks" column. If relevant, a daily or weekly average can also be calculated. To calculate the *average number of behaviors per day*, add the numbers in the "Total Checks" column to calculate a grand total. Divide the grand total by the number of days during which data were collected. If the *average number of behaviors per week* is desired, divide the grand total by the number of weeks during which data were collected. In figure 5 on the following page, the evaluator is documenting how often a student is leaving his seat and wandering around in the classroom. The student emitted a grand total of 18 occurrences of the target behavior during 5 days of data collection. The average number of target behaviors per day was calculated at 3.6 behaviors per day by dividing the grand total (18) by the number of days during which data were collected (5).

ADDITIONAL SUPPORT ASSESSMENT (ASA)

Frequency Data Sheet (Form G)

Student:	DOB:	Teacher:	Setting:
Behavior:	Leaving seat to wander around in the classroom		

Date	Frequency Checks	Total checks	Notes
5-3-21	x x x	3	
5-4-21	x x	2	
5-5-21	x x x x x	5	
5-6-21	x x	2	
5-7-21	x x x x x x	6	

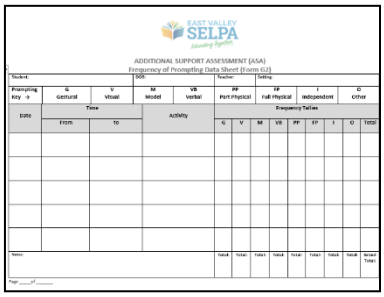
Average number of behaviors per day or week: To calculate the *average number of behaviors per day*, add the numbers in the "Total" column to calculate a grand total. Divide the grand total by the number of days during which data were collected. If the *average number of behaviors per week* is desired, divide the grand total by the number of weeks during which data were collected.	Grand total: 18	Average number of behaviors per day: 18/5 = 3.6	Average number of behaviors per week:

Page ____ of ____

Figure 5: Form G1

STEP 4: Arrange Data Collection by Classroom Staff if Applicable

Form G2: Frequency of Prompting Data Sheet



ADDITIONAL SUPPORT ASSESSMENT (ASA)
Frequency of Prompting Data Sheet (Form G2)

Prompting Key →	G Gestural	V Visual	M Model	VB Verbal	PP Part Physical	FP Full Physical	I Independent	O Other

Date	Time		Activity	Frequency Tallies							
	From	To		G	V	M	VB	PP	FP	I	O	Total
Totals:				Total:	Total:	Total:	Total:	Total:	Total:	Total:	Total:	Grand Total:

Form G2

What and When?

The *Frequency of Prompting Data Sheet (Form G2)* is used to collect data on how often a student needs various types of prompts. After conducting interviews, the evaluator is knowledgeable about the student concerns and can decide if more specific information is needed. If daily and objective data is warranted over a period of time, the evaluator may decide to arrange for data to be collected by classroom staff.

Why?

Data collection by classroom staff over a period of days may provide a more complete picture of the student's needs for assistance. Knowing how often various prompts are provided can assist the team in determining the need for additional support.

How?

The frequency of Prompting Data Sheet (Form G2) is arranged in a table to allow for quick data entry during instruction. The top row is used to enter identifying student information. A key, which identifies each prompt, is located beneath the top row. The date of data collection is noted in column 1. Next, the starting and end time of the data collection period are entered in columns 2 and 3. The specific activity or lesson is written in column 4. Columns 5-12 are used to enter a tally under the applicable prompt each time it is given. The sum or total number of prompts given during the activity is noted in the last column. The bottom row is used to record the sum or total number of each individual prompt as well as the total number of all combined prompts throughout all data collection dates. An example is displayed in figure 6 on the next page.

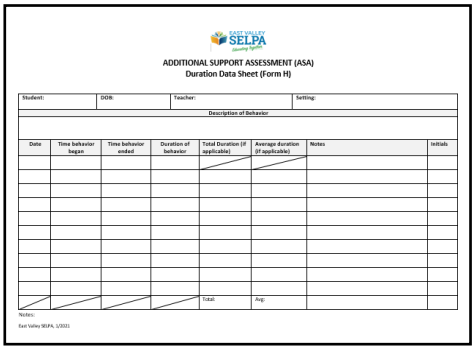
ADDITIONAL SUPPORT ASSESSMENT (ASA)
Frequency of Prompting Data Sheet (Form G2)

Student:			DOB:		Teacher:			Setting:				
Prompting Key →	G Gestural	V Visual	M Model	VB Verbal	PP Part Physical			FP Full Physical		O Other		
Date	Time		Activity		Frequency Tallies							
	From	to			G	V	M	VB	PP	FP	O	Total
11-12-21	10:15	11:15	Math: multiplication worksheet		/// ///		//	/// /// //				16
11-13-21	10:15	11:15	Math independent work		//	//	/	/// ///				11
11-14-21	8:30	9:00	Getting ready and journaling		//	/		/// //				8
Notes:					Total: 10	Total: 3	Total: 3	Total: 19	Total:	Total:	Total:	Grand Total: 35

Figure 6: Form G2

STEP 4: Arrange Data Collection by Classroom Staff if Applicable

Form H: Duration Data Sheet


ADDITIONAL SUPPORT ASSESSMENT (ASA)
Duration Data Sheet (Form H)

Form H

What and When?

The *Duration Data (Form H)* is used to collect data on how long a student engages in a behavior. After conducting interviews, the evaluator is knowledgeable about the student concerns. If more specific and objective daily information is needed over a period of time, the evaluator may decide to arrange for data to be collected by classroom staff.

Why?

Data collection by classroom staff over a period of days may provide a more complete picture of the various dimensions of the behaviors of concern. Moreover, such information can assist with the generation of baseline data and the formulation of objectives and annual goals. Data collection by classroom staff may also capture infrequent behaviors or those not observed during the specific times the evaluator conducts a student observation. Some behaviors occur at very high rates or very closely together. As such, it may be difficult to obtain a reliable frequency count. Examples might include screaming or wandering around in the classroom. These behaviors are best measured with duration data. Once the behavior begins, a timer is used to measure when the behavior starts and ends. This method of data collection helps the evaluator determine how long the target behavior lasts and if the duration is decreasing, increasing, or staying the same over time.

How?

Begin by indicating the date of the observation in the first column. Using a time measuring device (stopwatch, phone, clock, etc.), write the time the behavior starts in the second column. Write the ending time when the behavior stops in the third column. Document the total amount of time the behavior occurred from start to finish in the fourth column. In figure 7 on the next page, the staff is measuring the length of time Jason is out of his seat during instruction. The staff recorded 5 instances of the target behavior. The duration of each behavior was recorded in the "Duration of Behavior" column, and the total duration of all behaviors was calculated by adding all numbers in the column and recording the sum at the bottom of the column (73 minutes). Finally, the average duration of each behavior was derived by dividing the total duration of all behaviors (73 minutes) by the total number of behaviors (5). In figure 7, the student was out of his seat for an average of 14.6 minutes during the time the data were collected.

Student:	DOB:	Teacher:	Setting:
Jason Friday	07/24/2014	Simmons	Classroom instruction and small group tables

Description of Behavior

Jason leaves his assigned area (seat, small group table, carpet, line) and wanders around the classroom

Date	Time behavior began	Time behavior ended	Duration of behavior	Notes	Initials
02/17/2020	8:53	9:02	9 minutes		
02/17/2020	11:15	11:35	20 minutes		
02/18/2020	8:20	8:32	12 minutes		
02/18/2020	9:29	9:53	24 minutes		
02/18/2020	12:15	12:23	8 minutes		
			Total Duration: 73 minutes	Calculate average duration ↓	
				Total duration divided by total number of behaviors = 14.6 minutes average duration	

Figure 7: Form H

STEP 4: Arrange Data Collection by Classroom Staff if Applicable

Form I: Scatterplot Data Sheet

Form I

What and When?

The *Scatterplot Data Sheet (Form I)* is a data collection method designed to discover the frequency and any patterns between a behavior and certain time periods during the day. After conducting interviews, the evaluator is knowledgeable about the student concerns. If more specific, daily, and objective information is needed over a period of time, the evaluator may decide to arrange for data to be collected by classroom staff.

Why?

Data collection by classroom staff over a period of days may provide a more complete picture of the various dimensions of the behaviors of concern. Moreover, such information can assist with the generation of baseline data and the formulation of objectives and annual goals. Data collection by classroom staff may also capture infrequent behaviors or those not observed during the specific times the evaluator conducts a student observation. Scatterplot data give staff a quick visual of how often and during which time slots a behavior occurs. This is important to discover, because certain activities or times of day may be associated with problem behaviors. Knowing this, the staff may be able to change the environment or schedule to prevent problem behaviors or gain a better understanding of when additional support may be indicated.

How?

The target behavior is written in the "Key Section" on top of Form I. This section has room for three different behaviors if needed, represented by the letters A, B, and C. To simplify directions, only two behaviors are being measured in Figure 8 on the next page. The definitions of the behaviors are written adjacent to the corresponding letters. Next, the data collection dates are added to each of the five columns in the table, which represent the five school days of the week. The table is divided into 15-minute time slots throughout the day from 7:30 in the morning to 3:30 in the afternoon. As an example, when the student exhibits behavior A, the letter "A" is written in the cell that corresponds to the correct date and time interval. In figure 8, the student hit peers or staff on Monday, September 12, at least once during the time frame from 8:00 – 8:15, and again within the time frame from 8:30 – 8:45. Hitting also occurred later in the morning and afternoon on Monday. Spitting occurred at least once during the week, but only on Monday in the time frame from 8:30 – 8:45. Student absences are indicated by drawing a vertical line through the time slots as shown in the example for Friday. If no target behaviors occur at all on a given day, indicate this by writing *no problem behavior* down the appropriate date column as shown for Wednesday. At the end of the week the behavioral events are analyzed for patterns. The scatterplot in figure 8 below indicates the student hits mainly during the morning. This is important to know as additional support should be considered only when they are needed.

The number of behaviors per day or week can be calculated by adding the As, Bs, and Cs for each day and writing the sums in the bottom row as shown in the example.

Time ↓	Mon 9 / 12			Tues 9 / 13			Wed 9 /14			Thurs 9 /15			Fri 9 /16		
7:30															
7:45															
8:00	A			A											
8:30	A	B								A					
8:45				A											
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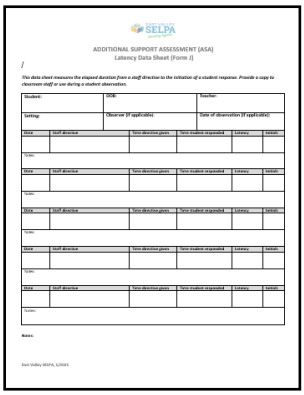
1:45															
2:00	A														
2:15															
2:30															
2:45															
3:00															
3:15															
3:30															
Behaviors	A	B	C	A	B	C	A	B	C	A	B	C	A	B	C
Totals	4	1		2						1					

no problem behavior

Figure 8: Form I

STEP 4: Arrange Data Collection by Classroom Staff if Applicable

Form J: Latency Data sheet



ADDITIONAL SUPPORT ASSESSMENT (ASA)
Latency Data Sheet (Form J)

This data sheet measures the elapsed duration from a staff directive to the initiation of a student response. Provide a copy to classroom staff or use during a student observation.

Student:	DOB:	Teacher:
Setting:	Observer (if applicable):	Date of observation (if applicable):

Time	Staff directive	Time directive given	Time student responded	Latency	Initials
Notes:					
Time	Staff directive	Time directive given	Time student responded	Latency	Initials
Notes:					
Time	Staff directive	Time directive given	Time student responded	Latency	Initials
Notes:					
Time	Staff directive	Time directive given	Time student responded	Latency	Initials
Notes:					
Time	Staff directive	Time directive given	Time student responded	Latency	Initials
Notes:					

Notes:

Kern Valley SELPA, 5/2019

Form J

What and When?

The *Latency Data Sheet (Form J)* is used to determine the time elapsed from a directive to a student response, or how long it takes for a student to initiate a response to a directive. After conducting interviews, the evaluator is knowledgeable about the student concerns. If more specific, daily, and objective information is needed over a period of time, the evaluator may decide to arrange for data to be collected by classroom staff.

Why?

Data collection by classroom staff over a period of days may provide a more complete picture of the various dimensions of the behaviors of concern. Such information also assists with the generation of baseline data and the formulation of objectives and annual goals. Data collection by classroom staff may also capture infrequent behaviors or those not observed during the specific times the evaluator conducts a student observation. Latency data can discover how long it takes for a student to respond or if the amount of time between a directive and the initiation of the response has decreased or increased over time. This type of data is useful when measuring and analyzing the behavior of students who have difficulty responding to directives within an appropriate time frame. It can also measure the student's response to different interventions.

How?

The directive is written on Form J in the "Staff Directive" column (see figure 9 on the next page). This recording method requires an object to measure time (watch, phone, clock, etc.). The timer starts when the directive is given and stops when the student begins the response. Both times are noted on the form. In figure 9, the student was given four different directives. The total time from the demand to the student's response initiation is recorded in the latency column. The total latency is calculated by adding all the latencies in the latency column and writing the sum at the bottom of the column in the "Total Latency" cell. The average latency is calculated by dividing the total latency by the total number of directives. As illustrated in figure 9, the student responded after 8 minutes on average (32 minutes divided by 4 directives).

This data sheet measures the elapsed duration from a staff directive to the initiation of a student response. Provide a copy to classroom staff or use during a student observation.

Student:	DOB:	Teacher:
Dora Millie	02/19/2016	Miss Daisy
Setting:	**Observer (if applicable):**	**Grade:**
Classroom	Corie Counselor	Kindergarten

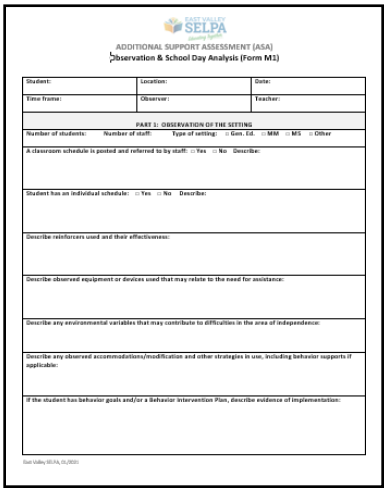
Date	Staff directive	Time directive given	Time student responded	Latency
04/26/2021	Go to your seat and sit down	8:30	8:38	8 minutes
Notes:				
Date	**Staff directive**	**Time directive given**	**Time student responded**	**Latency**
04/26/2021	Go to the carpet and sit on your square	9:00	9:12	12 minutes
Notes:				
Date	**Staff directive**	**Time directive given**	**Time student responded**	**Latency**
04/30/2021	Go line up, standing behind Lauren	10:00	10:07	7 minutes
Notes:				
Date	**Staff directive**	**Time directive given**	**Time student responded**	**Latency**
04/30/2021	Go to your seat and sit down	8:30	8:35	5 minutes
Notes:				

/Average Latency	Total Latency
Add up all latencies to get the total latency. Divide the total latency with the total number of directives. Total latency ⁄ Total number of directives = 8 minutes average latency	The Sum of all latencies: 32 minutes

Figure 9: Form J

STEP 5: Complete Observation

Form K, Page 1: Observation & School Day Analysis



EAST VALLEY SELPA

ADDITIONAL SUPPORT ASSESSMENT (ASA)

Observation & School Day Analysis (Form M1)

Student:	Location:	Date:
Time frame:	Observer:	Teacher:

PART 1: OBSERVATION OF THE SETTING

Number of students: Number of staff: Type of setting: □ Gen. Ed. □ MM □ MS □ Other

A classroom schedule is posted and referred to by staff: □ Yes □ No Describe:

Student has an individual schedule: □ Yes □ No Describe:

Describe reinforcers used and their effectiveness:

Describe observed equipment or devices used that may relate to the need for assistance:

Describe any environmental variables that may contribute to difficulties in the area of independence:

Describe any observed accommodations/modification and other strategies in use, including behavior supports if applicable:

If the student has behavior goals and/or a Behavior Intervention Plan, describe evidence of implementation:

East Valley SELPA, 01/2021

Form K1

What and When?

At this stage, the evaluator has collected information from multiple team members and knows the specific needs to focus on during an observation. Classroom staff may also be collecting data if specified by the evaluator. It is now time to schedule a direct observation of the student in the educational environment. A 3-page form, the *Observation & School Day Analysis (Form K1-3)* is available for this purpose. Page 1 is used to observe elements of the educational setting, including the current teacher to student ratio, schedules, reinforcers, equipment, devices, environmental variables, accommodations, modifications, strategies, and, if relevant, how a Behavior Intervention Plan is being implemented.

Why?

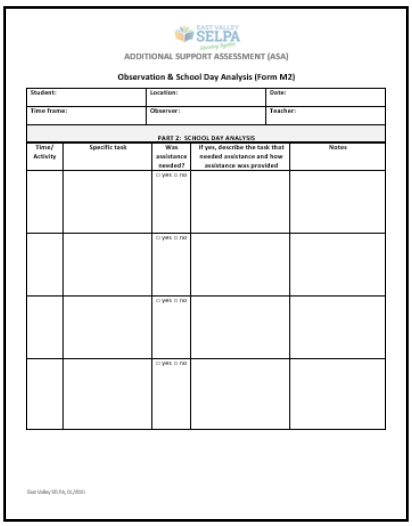
It is important to consider factors in the educational setting as they may affect the student's functioning. For example, a lack of schedules or the absence of appropriate equipment might impact the ability to function independently. Simple changes or additions to the setting, such as the implementation of a more individualized reinforcement system or changing the seating arrangement, could make a positive difference.

How?

The evaluator arranges day(s) and time(s) to observe the student. Whenever possible, the evaluator observes in all relevant settings and does so in the least intrusive manner possible. If the student has difficulty in unstructured settings, an observation must be conducted during those times, including recess or lunch. Similarly, if problems are present during specific health or medical procedures, the evaluator may observe these procedures when appropriate. Some instructional times or subjects might present more problems than others. The evaluator makes plans to observe during times when problems reportedly occur. Form K1 can be printed out and written on by hand. The form is also available in a fillable PDF.

STEP 5: Complete Observations

Form K, Page 2: Observation & School Day Analysis



EAST VALLEY SELPA

ADDITIONAL SUPPORT ASSESSMENT (ASA)

Observation & School Day Analysis (Form M2)

Student:	Location:	Date:
Time frame:	Observer:	Teacher:

PART 2: SCHOOL DAY ANALYSIS

Time/ Activity	Specific task	Was assistance needed?	If yes, describe the task that needed assistance and how assistance was provided	Notes
		☐ yes ☐ no		
		☐ yes ☐ no		
		☐ yes ☐ no		
		☐ yes ☐ no		

Form K2

What and When?

At this stage, the evaluator has collected information from multiple team members and knows what specific needs to focus on during an observation. Classroom staff may also be collecting data if specified by the evaluator. It is now time to schedule a direct observation of the student in the educational environment. A 3-page form, the *Observation & School Day Analysis (Form K1-3)* may be used for this purpose. Page 2 is used to observe the specific tasks required of the students in the setting, if any assistance was needed during the observation, and how it was provided.

Why?

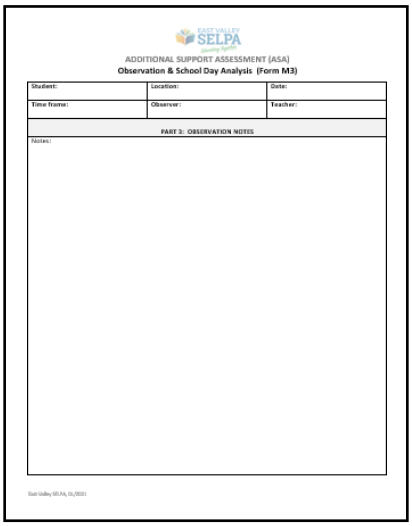
Observing how the student performs the required tasks provides important information about the need for support. The goal is independence to the maximum extent possible. Does the student need peer support, technology, or other assistance to perform more independently? Additional supports are always considered in a hierarchy of least to most restrictive to respect and maximize the student's autonomy and independence.

How?

The evaluator arranges day(s) and time(s) to observe the student. Whenever possible, the evaluator observes in all relevant settings and does so in the least intrusive manner possible. If the student has difficulty in unstructured settings, an observation must be conducted during those times, including recess or lunch. Similarly, if problems are present during specific health or medical procedures, the evaluator may observe these procedures when appropriate. Specific instructional times or subjects might present more problems than others. The evaluator makes plans to observe during times when problems reportedly occur. Form K2 can be printed out and written on by hand. The form is also available in a fillable PDF.

STEP 5: Complete Observations

Form K, Page 3: Observation & School Day Analysis


ADDITIONAL SUPPORT ASSESSMENT (ASA)
Observation & School Day Analysis (Form M3)

Student:	Location:	Date:
Time frame:	Observer:	Teacher:

PART 3: OBSERVATION NOTES

Notes:

Form K3

What and When?

At this stage, the evaluator has collected information from multiple team members and knows what specific needs to focus on during an observation. Classroom staff may also be collecting data if specified by the evaluator. It is now time to schedule a direct observation of the student in the educational environment. A 3-page form, the *Observation & School Day Analysis (Form K1-3)* may be used for this purpose. Page 3 is used to record any additional notes or narrative data if needed.

Why?

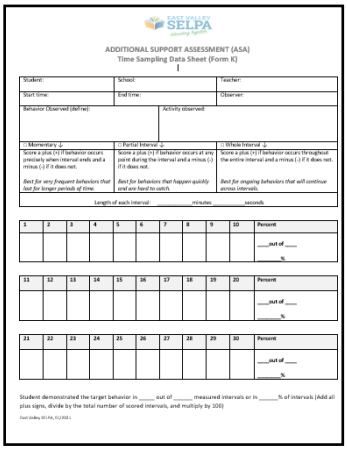
Narrative notes can provide valuable information that is not included on specific questionnaires. Page 3 of Form K contains space to record any additional or narrative information.

How?

The evaluator arranges days and times to observe the student. Whenever possible, the evaluator observes in all relevant settings and does so in the least intrusive manner possible. If the student has difficulty in unstructured settings, an observation must be conducted during those times, including recess or lunch. Similarly, if problems are present during specific health or medical procedures, the evaluator may observe these procedures when appropriate. Specific instructional times or subjects might present more problems than others. The evaluator makes plans to observe during times when problems reportedly occur. Form K3 can be printed out and written on by hand. The form is also available in a fillable PDF.

STEP 5: Complete Observations

Form L: Time Sampling Data Sheet



ADDITIONAL SUPPORT ASSESSMENT (ASA)
Time Sampling Data Sheet (Form K)

Student:	School:	Teacher:
Start time:	End time:	Observer:

Behavior Observed (define):

Activity observed:

☐ Momentary ↓	☐ Partial Interval ↓	☐ Whole Interval ↓
Score a plus (+) if behavior occurs precisely when interval ends and a minus (-) if it does not. *Best for very frequent behaviors that last for longer periods of time.*	Score a plus (+) if behavior occurs at any point during the interval and a minus (-) if it does not. *Best for behaviors that happen quickly and are hard to catch.*	Score a plus (+) if behavior occurs throughout the entire interval and a minus (-) if it does not. *Best for ongoing behaviors that will continue across intervals.*

Length of each interval: _____minutes _____seconds

1	2	3	4	5	6	7	8	9	10	Percent
										___out of ___ _____%

11	12	13	14	15	16	17	18	19	20	Percent
										___out of ___ _____%

21	22	23	24	25	26	27	28	29	30	Percent
										___out of ___ _____%

Student demonstrated the target behavior in _____ out of _____ measured intervals or in _____% of intervals (Add all plus signs, divide by the total number of scored intervals, and multiply by 100)

Form L

What and When?

The *Time Sampling Data Sheet (Form L)* is used during a student observation if the evaluator wants to supplement observational data with information derived from time sampling. Time sampling refers to a variety of methods to record behavior at specific moments. The result is an estimate of the target behavior, expressed as the % of intervals the student engages in the target behavior.

Why?

Sometimes it is helpful to derive data from time sampling in order to estimate the rate at which a student engages in the target behavior. Time sampling data can also be used to establish baselines for goals and formulate objectives and annual targets. For example, if time sampling estimates a student's on-task behavior at 30% of intervals, an annual goal might be an increase of on-task behavior to 70% of intervals as measured by time sampling. Conversely, time sampling may also indicate a student is performing satisfactorily and that no intervention or additional support is needed.

How?

Time Sampling involves observing whether a behavior occurs or does not occur during specified time periods. Once the length of an observation session is decided, the observational time period is broken down into smaller intervals that are all equal in length. A watch, stopwatch, app, or other device is used to alert the observer to the beginning and ending of intervals. The observer calculates the % of intervals in which the behavior occurs. There are 3 distinct types of time sampling methods, including momentary, partial, and whole interval. Which one is selected, depends on the nature of the target behavior as described on the next page.

Before beginning, the evaluator fills out the top of the data sheet with the student's identifying information. The target behavior is clearly defined, and the classroom activity is noted on the form. The evaluator checks the desired type of interval recording in the appropriate box. Finally, the length of each interval is determined. In the example in figure 10, each momentary time interval has been set at 1 minute, 0 seconds.

Therefore, if 10 intervals are used, the total duration of the observation is 10 minutes. If all 30 intervals are used, the total duration of the observation is 30 minutes.

□ Momentary ↓	□ Partial Interval ↓	□ Whole Interval ↓
Score a plus (+) if behavior occurs precisely when interval ends and a minus (-) if it does not. *Best for very frequent behaviors that last for longer periods of time.*	Score a plus (+) if behavior occurs at any point during the interval and a minus (-) if it does not. *Best for behaviors that happen quickly and are hard to catch.*	Score a plus (+) if behavior occurs throughout the entire interval and a minus (-) if it does not. *Best for ongoing behaviors that will continue across intervals.*
Length of each interval: ___1_____minutes _____0___seconds		

Figure 10: Form L

Momentary Interval recording is best for very frequent behaviors that last for longer periods of time, including on-task behavior or staying in seat. The observer scores whether the behavior occurs (+) or does not occur (-) at the precise moment the interval ends. Momentary interval recording provides an estimate of a behavior rather than the documentation of every occurrence. It is easy to do, since the observer only has to attend to the student at the end of every interval. A disadvantage of this method is the tendency to underestimate a behavior. Specifically, the student may engage in the behavior throughout the interval but stop right before the end of it. Due to this, momentary interval recording should not be used with dangerous behaviors where an underestimation is problematic.

Partial Interval recording is best for low-rate behaviors that happen quickly, behaviors that are hard to catch, and behaviors for which a decrease is desired. Examples include specific aggressive behaviors to self or others. The observer scores a (+) if the behavior occurs or a (-) if it does not occur at any point during the interval. Partial interval recording provides an estimate of a behavior rather than the documentation of every occurrence.

Whole Interval recording is best for ongoing behaviors that will continue across intervals, especially behaviors targeted for an increase, including attending, writing, reading, playing, etc. It may underestimate behaviors but still provides data that can be measured and compared over time. The observer scores a (+) if the behavior occurs and *continues* throughout the entire interval and a minus (-) if it does not.

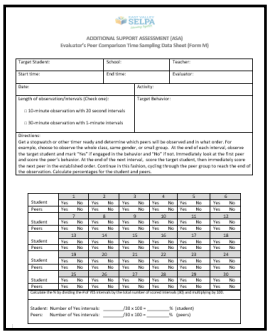
To derive the final percentage for all interval methods, the evaluator adds all plus signs, divides the sum by the total number of scored intervals, and multiplies by 100. The result is the percentage of intervals in which the behavior occurred. In the example below in figure 11, the evaluator scored the occurrence of the behavior in 4 out of 10 intervals, or in 40% of intervals (4 ÷ 10 x 100 = 40%).

1	2	3	4	5	6	7	8	9	10	Percent
+	-	-	+	+	-	+	-	-	-	4 out of 10 40 %

Figure 11: Form L

STEP 5: Complete Observations

Form M: Evaluator's Peer Comparison (if applicable)



Form M

What and When?

The *Evaluator's Peer Comparison Data Sheet (Form M)* is used during a student observation if the evaluator decides to supplement observational data with information derived from time sampling. Time sampling refers to a variety of methods to record behavior at specific moments. The result is an estimate of the target behavior, expressed as the % of intervals the student engages in the behavior. The *Evaluator's Peer Comparison Data Sheet (Form M)* uses time sampling to compare the student to a group of peers in the educational setting during either a 10-minute observation with each interval set at 20 seconds or a 30-minute observation with each interval set at 1 minute.

Why?

To identify student supports, it is helpful to discover how the student is functioning in comparison to peers in the same setting. If the student is struggling relative to peers, more individualized supports may be needed. The evaluator acquired peer comparison information from the teacher with the *Teacher's Peer Comparison Rating Scale (Form B)* in step two of the ASA process. This information was based on ratings of a more subjective nature. The evaluator may determine time sampling is needed to inform the team more objectively about the extent to which the student differs from peers. Such data may also assist with the establishment of baselines for goals and formulation of objectives and annual targets. If time sampling estimates a student's on-task behavior at 30 %, while the peer group performs at 70 %, the difference appears large and suggestive of a different intervention or additional support. An annual goal might be an increase of on-task behavior to a percentage that aligns closer with that of peers. Time sampling may also indicate a student is performing satisfactorily in relation to peers, and that no additional support is needed. If both the target student and peers are performing poorly, the problem may be unrelated to student factors.

How?

The evaluator obtains a stopwatch or other timing device and fills out the identifying student information on the top of the *Evaluator's Peer Comparison Data Sheet Data Sheet (Form M)*. It is then determined which peers will be observed during the observation. The evaluator can observe the whole class, same gender, table group, or other small group. The order in which the peers will be observed is decided. The evaluator selects a 10-minute or 30-minute observation period. At the very moment the interval ends, the target student is observed, and the word "Yes" is circled if the student is engaged in the target behavior. The word "No" is circled if the target student is not. The evaluator then Immediately looks at the first peer and scores the peer's behavior. At the end of the next interval, the evaluator scores the target student, then immediately looks at the next peer in the established order. The sequence is continued in this fashion, cycling through the peer group to reach the end of the observation. Percentages for the student and peers are calculated. In the following example (figure 12), the target behavior of being on-task was observed in 9 out of 30 intervals (30%) for the target student and in 21 out of 30 intervals for the peer group (70%). The target student appears to struggle relative to peers and may possibly benefit from different or additional of support.

	1	2	3	4	5	6
Student	(Yes) No	Yes (No)	(Yes) No	(Yes) No	Yes (No)	Yes (No)
Peers	(Yes) No	(Yes) No	Yes (No)	(Yes) No	(Yes) No	(Yes) No
	7	8	9	10	11	12
Student	Yes (No)	(Yes) No	Yes (No)	Yes (No)	Yes (No)	Yes (No)
Peers	Yes (No)	Yes (No)	(Yes) No	Yes (No)	(Yes) No	Yes (No)
	13	14	15	16	17	18
Student	Yes (No)	Yes (No)	Yes (No)	(Yes) No	(Yes) No	(Yes) No
Peers	(Yes) No	(Yes) No	Yes (No)	(Yes) No	(Yes) No	(Yes) No
	19	20	21	22	23	24
Student	Yes (No)	Yes (No)	(Yes) No	(Yes) No	Yes (No)	Yes (No)
Peers	(Yes) No	(Yes) No	(Yes) No	(Yes) No	Yes (No)	(Yes) No
	25	26	27	28	29	30
Student	Yes (No)	Yes (No)	Yes (No)	Yes (No)	Yes (No)	Yes (No)
Peers	Yes (No)	(Yes) No	(Yes) No	(Yes) No	Yes (No)	(Yes) No

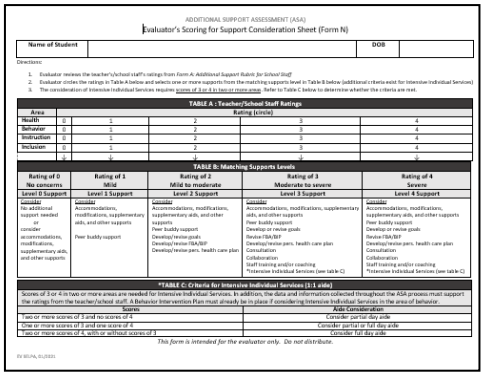
Calculate the % by dividing the # of YES intervals by the total number of scored intervals (30) and multiplying by 100.

Student: Number of Yes intervals: 9 /30 x 100 = 30 % (student)
Peers: Number of Yes intervals: 21 /30 x 100 = 70 % (peers)

Figure 12: Form M

STEP 6: Consider Supports and Generate ASA Report

Form N: Evaluator's Scoring for Support Consideration Sheet



ADDITIONAL SUPPORT ASSESSMENT (ASA)

Evaluator's Scoring for Support Consideration Sheet (Form N)

Name of Student		DOB	

Directions:

1. Evaluator reviews the teacher's/school staff's ratings from *Form A: Additional Support Rubric for School Staff*
2. Evaluator circles the ratings in Table A below and selects one or more supports from the matching supports level in Table B below (additional criteria exist for Intensive Individual Services)
3. The consideration of Intensive Individual Services requires scores of 3 or 4 in two or more areas. Refer to Table C below to determine whether the criteria are met.

TABLE A: Teacher/School Staff Ratings

Area	Rating (circle)				
Health	0	1	2	3	4
Behavior	0	1	2	3	4
Instruction	0	1	2	3	4
Inclusion	0	1	2	3	4
	0	1	2	3	4

TABLE B: Matching Supports Levels

Rating of 0 No concerns	Rating of 1 Mild	Rating of 2 Mild to moderate	Rating of 3 Moderate to severe	Rating of 4 Severe
Level 0 Support	Level 1 Support	Level 2 Support	Level 3 Support	Level 4 Support
Consider No additional support needed or consider accommodations, modifications, supplementary aids, and other supports	Consider Accommodations, modifications, supplementary aids, and other supports Peer buddy support	Consider Accommodations, modifications, supplementary aids, and other supports Peer buddy support Develop/revise goals Develop/revise FBA/BIP Develop/revise pers. health care plan	Consider Accommodations, modifications, supplementary aids, and other supports Peer buddy support Develop or revise goals Revise FBA/BIP Develop/revise pers. health care plan Consultation Collaboration Staff training and/or coaching *Intensive Individual Services (see table C)	Consider Accommodations, modifications, supplementary aids, and other supports Peer buddy support Develop or revise goals Revise FBA/BIP Develop/revise pers. health care plan Consultation Collaboration Staff training and/or coaching *Intensive Individual Services (see table C)

***TABLE C: Criteria for Intensive Individual Services (1:1 aide)**

Scores of 3 or 4 in two or more areas are needed for Intensive Individual Services. In addition, the data and information collected throughout the ASA process must support the ratings from the teacher/school staff. A Behavior Intervention Plan must already be in place if considering Intensive Individual Services in the area of behavior.

Scores	Aide Consideration
Two or more scores of 3 and no scores of 4	Consider partial day aide
One or more scores of 3 and one score of 4	Consider partial or full day aide
Two or more scores of 4, with or without scores of 3	Consider full day aide

This form is intended for the evaluator only. Do not distribute.

IV-M/ASA, 01/2021

Form N

What and When?

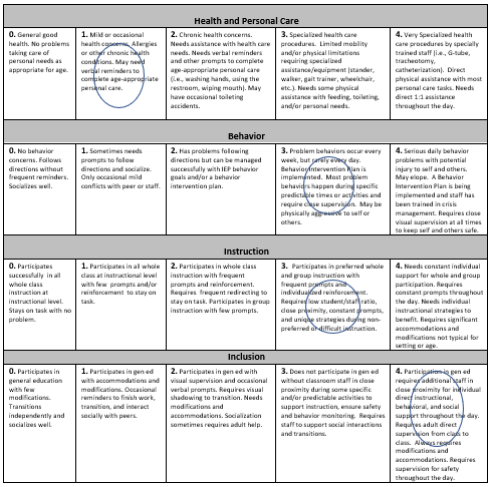
At this stage in the ASA process, the evaluator has completed interviews, reviewed student progress, analyzed data, and conducted one or more observations in relevant settings. It is now time to synthesize all the collected information and consider student supports. The *Evaluator's Scoring for Support Consideration Sheet (Form N)* assists with this task. However, all previously collected information from steps 1-5 must be considered when selecting supports.

Why?

A careful review of all collected information from steps 1-5 is necessary to ensure the selection of appropriate supports. Skipping steps or the failure to consider information from all relevant team members may result in the selection of supports which are either insufficient or too restrictive to realize the goal of maximum student independence.

How?

The evaluator carefully reviews all collected information from ASA steps 1-5 and examines the *Additional Support Rubric (Form A)* which was previously completed by the student's teacher and/or other school staff. In the following example, the teacher rated the student with a "1" in Health & Personal Care, a "3" in Behavior, a "3" in Instruction, and a "4" in Inclusion on Form A as illustrated in figure 13 below.



Health and Personal Care				
0. General good health. No problems taking care of personal needs as appropriate for age.	**1.** Mild or occasional health concerns. Allergies or other chronic health conditions. May need verbal reminders to complete age-appropriate personal care.	**2.** Chronic health concerns. Needs assistance with health care needs. Needs verbal reminders and other prompts to complete age-appropriate personal care (i.e., washing hands, using the restroom, wiping mouth). May have occasional toileting accidents.	**3.** Specialized health care procedures. Limited mobility and/or physical limitations requiring specialized assistance/equipment (stander, walker, gait trainer, wheelchair, etc.). Needs some physical assistance with feeding, toileting, and/or personal needs.	**4.** Very Specialized health care procedures by specially trained staff (i.e., G-tube, tracheotomy, catheterization). Direct physical assistance with most personal care tasks. Needs direct 1:1 assistance throughout the day.
Behavior				
0. No behavior concerns. Follows directions without frequent reminders. Socializes well.	**1.** Sometimes needs prompts to follow directions and socialize. Only occasional mild conflicts with peer or staff.	**2.** Has problems following directions but can be managed successfully with IEP behavior goals and/or a behavior intervention plan.	**3.** Problem behaviors occur every week, but rarely every day. Behavior Intervention Plan is implemented. Most problem behaviors happen during specific predictable times or activities and require close supervision. May be physically aggressive to self or others.	**4.** Serious daily behavior problems with potential injury to self and others. May elope. A Behavior Intervention Plan is being implemented and staff has been trained in crisis management. Requires close visual supervision at all times to keep self and others safe.
Instruction				
0. Participates successfully in all whole class instruction at instructional level. Stays on task with no problem.	**1.** Participates in all whole class at instructional level with few prompts and/or reinforcement to stay on task.	**2.** Participates in whole class instruction with frequent prompts and reinforcement. Requires frequent redirecting to stay on task. Participates in group instruction with few prompts.	**3.** Participates in preferred whole and group instruction with frequent prompts and individualized reinforcement. Requires low student/staff ratio, close proximity, constant prompts, and unique strategies during non-preferred or difficult instruction.	**4.** Needs constant individual support for whole and group participation. Requires constant prompts throughout the day. Needs individual instructional strategies to benefit. Requires significant accommodations and modifications not typical for setting or age.
Inclusion				
0. Participates in general education with few modifications. Transitions independently and socializes well.	**1.** Participates in gen ed with accommodations and modifications. Occasional reminders to finish work, transition, and interact socially with peers.	**2.** Participates in gen ed with visual supervision and occasional verbal prompts. Requires visual shadowing to transition. Needs modifications and accommodations. Socialization sometimes requires adult help.	**3.** Does not participate in gen ed without classroom staff in close proximity during some specific and/or predictable activities to support instruction, ensure safety and behavior monitoring. Requires staff to support social interactions and transitions.	**4.** Participates in gen ed requires additional staff in close proximity for individual direct instructional, behavioral, and social support throughout the day. Requires adult direct supervision from class to class. Always requires modifications and accommodations. Requires supervision for safety throughout the day.

Figure 13: Form A with teacher's ratings

The evaluator transfers the teacher's/school staff's ratings from Form A (*Additional Support Rubric)* to Form N (*Evaluator's Scoring for Support Consideration Sheet)* as illustrated below in figure 14:

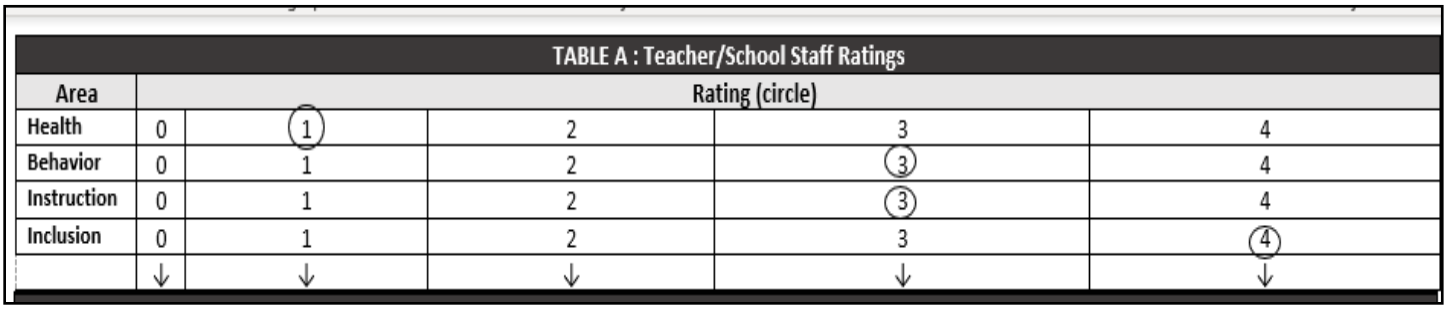


TABLE A : Teacher/School Staff Ratings					
Area	Rating (circle)				
Health	0	(1)	2	3	4
Behavior	0	1	2	(3)	4
Instruction	0	1	2	(3)	4
Inclusion	0	1	2	3	(4)
	↓	↓	↓	↓	↓

Figure 14 : Form N. The teacher's ratings are transferred to Form N, Table A.

Next, on Form N, the evaluator matches each area's rating to its suggested supports in Table B on Form N. One or more supports can be considered for each rating within the matching support level. For example, if the teacher rated the student's need at a level 1 (mild) in the area of Health and Personal Care, several support considerations are listed in the level 1 support column in table B, Form N, as circled below in figure 15.

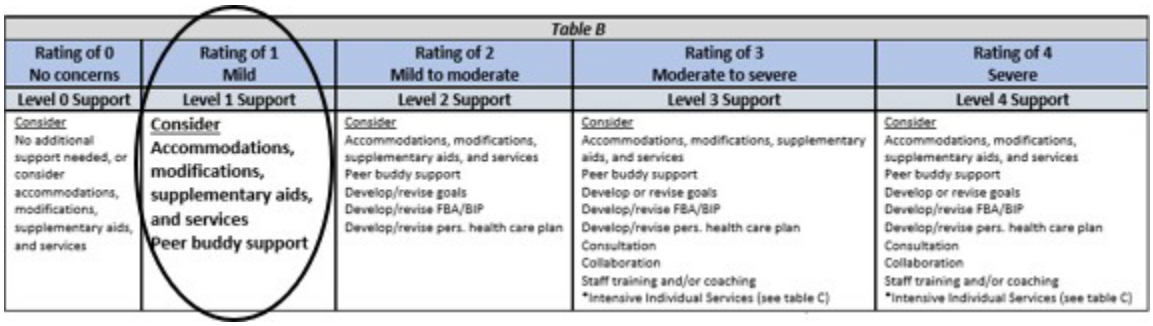


Table B

Rating of 0 No concerns	Rating of 1 Mild	Rating of 2 Mild to moderate	Rating of 3 Moderate to severe	Rating of 4 Severe
Level 0 Support	**Level 1 Support**	**Level 2 Support**	**Level 3 Support**	**Level 4 Support**
Consider No additional support needed, or consider accommodations, modifications, supplementary aids, and services	**Consider** **Accommodations, modifications, supplementary aids, and services** **Peer buddy support**	Consider Accommodations, modifications, supplementary aids, and services Peer buddy support Develop/revise goals Develop/revise FBA/BIP Develop/revise pers. health care plan	Consider Accommodations, modifications, supplementary aids, and services Peer buddy support Develop or revise goals Develop/revise FBA/BIP Develop/revise pers. health care plan Consultation Collaboration Staff training and/or coaching *Intensive Individual Services (see table C)	Consider Accommodations, modifications, supplementary aids, and services Peer buddy support Develop or revise goals Develop/revise FBA/BIP Develop/revise pers. health care plan Consultation Collaboration Staff training and/or coaching *Intensive Individual Services (see table C)

Figure 15: Form N, Table B

Additional guidelines exist for Intensive Individual Services (1:1 aide) within the level 3 and level 4 columns. Teacher or staff ratings on Form A alone, are insufficient to assign Intensive Individual Services. Ratings within columns 3 and 4 must be supported by the information collected by the evaluator in Steps 1-5 of the ASA process. Stated differently, if the teacher's/staff's ratings suggest a need for Intensive Individual services, the information and data collected by the evaluator throughout the ASA process must demonstrate a similar need. In addition, if behavior concerns exist, behavior goals and/or a Behavior Intervention Plan must be in place prior to the consideration of Intensive Individual Services. In some cases, a time-limited aide may be assigned to implement a new Behavior Intervention Plan. The guidelines for Intensive Individual Support (1:1 aide) are summarized in figure 16 on the next page.

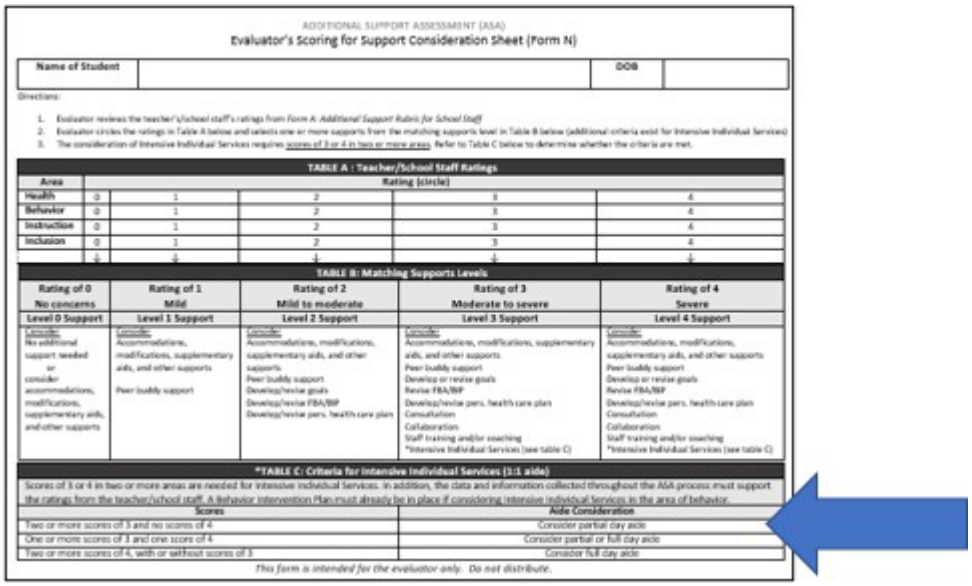
Guidelines for Intensive Individual Support

- Scores of 3 or 4 in two or more areas are needed for Intensive Individual Services
- A Behavior Intervention Plan must be in place if considering Intensive Individual Services in the area of behavior
- The need for Intensive Individual Services must be identified by Form A and supported by the data and information collected throughout the ASA process

Sample Scores	**Consider Intensive Individual Services?**
Two or more scores of 3 and no scores of 4	Consider Partial day
One or more scores of 3 and one score of 4	Consider Partial or Full day
Two or more scores of 4, with or without scores of 3	Consider Full day

Figure 16: Criteria for Intensive Individual Support

The additional guidelines for Intensive Individual Services are also summarized in Table C on Form N. When Intensive Individual Services are suggested in Table B/Form N, the evaluator refers to Table C/Form N to review whether a partial or full-day aide is indicated. The arrow in figure 17 below is pointing to the location of Table C/Form N:



ADDITIONAL SUPPORT ASSESSMENT (ASA)

Evaluator's Scoring for Support Consideration Sheet (Form N)

Name of Student		DOB	

Directions:

1. Evaluator reviews the teacher's/school staff's ratings from *Form A: Additional Support Rubric for School Staff*
2. Evaluator circles the ratings in Table A below and selects one or more supports from the matching supports level in Table B below (additional criteria exist for Intensive Individual Services)
3. The consideration of Intensive Individual Services requires scores of 3 or 4 in two or more areas. Refer to Table C below to determine whether the criteria are met.

TABLE A : Teacher/School Staff Ratings

Area	Rating (circle)				
Health	0	1	2	3	4
Behavior	0	1	2	3	4
Instruction	0	1	2	3	4
Inclusion	0	1	2	3	4
	↓	↓	↓	↓	↓

TABLE B: Matching Supports Levels

Rating of 0 No concerns	Rating of 1 Mild	Rating of 2 Mild to moderate	Rating of 3 Moderate to severe	Rating of 4 Severe
Level 0 Support	**Level 1 Support**	**Level 2 Support**	**Level 3 Support**	**Level 4 Support**
Consider: No additional support needed or consider accommodations, modifications, supplementary aids, and other supports	Consider: Accommodations, modifications, supplementary aids, and other supports Peer buddy support	Consider: Accommodations, modifications, supplementary aids, and other supports Peer buddy support Develop/revise goals Develop/revise FBA/BIP Develop/revise pers. health care plan	Consider: Accommodations, modifications, supplementary aids, and other supports Peer buddy support Develop or revise goals Revise FBA/BIP Develop/revise pers. health care plan Consultation Collaboration Staff training and/or coaching *Intensive Individual Services (see table C)	Consider: Accommodations, modifications, supplementary aids, and other supports Peer buddy support Develop or revise goals Revise FBA/BIP Develop/revise pers. health care plan Consultation Collaboration Staff training and/or coaching *Intensive Individual Services (see table C)

***TABLE C: Criteria for Intensive Individual Services (1:1 aide)**

Scores of 3 or 4 in two or more areas are needed for Intensive Individual Services. In addition, the data and information collected throughout the ASA process must support the ratings from the teacher/school staff. A behavior intervention Plan must already be in place if considering Intensive Individual Services in the area of behavior.

Scores	Aide Consideration
Two or more scores of 3 and no scores of 4	Consider partial day aide
One or more scores of 3 and one score of 4	Consider partial or full day aide
Two or more scores of 4, with or without scores of 3	Consider full day aide

This form is intended for the evaluator only. Do not distribute.

Figure 17: Form N, Table C.

The process of analyzing scores and matching them to supports is summarized below in three steps:

1. Review the teacher's/school staff ratings from Form A (*Additional Support Rubric)* and transfer them to Table A on Form N (*Evaluator's Scoring for Support Consideration Sheet)*
2. Match each circled rating to its corresponding support level on Form N, table B, and consider one or more supports from this level
3. If Intensive Individual Services (1:1 aide) are suggested (Level 3 or 4 Supports only), check the additional criteria on Form N, table C, to ensure all criteria are appropriately met

Intensive Individual Services (1:1 aide) is only one support from many that promotes successful delivery of educational benefit in the LRE. Unless Intensive Individual Services (1:1 aide) is assigned with the goal of fostering independence, it may restrict the student's access to the general curriculum and decrease social opportunities. The more independent students are, the more they can do without direct assistance from an adult. It is important to keep this point in mind when recommending supports. There are many ways to foster student autonomy and independence, including the consideration of the following supports:

- Accommodations, modifications, supplementary aids, and services
- Peer Support
- Develop/revise goals
- Develop/revise FBA/BIP
- Develop/revise Personal Health Care Plan
- Consultation services with specialists to support areas of need

- Collaboration services with specialists to support areas of need
- Staff training and/or coaching

The following pages include examples of accommodations, modifications, and strategies that can support the student in the educational environment. These examples are less restrictive than Intensive Individual Services. Less restrictive supports should always be considered when appropriate to foster independence in the LRE.

Examples of Accommodations, Modifications, and Strategies

- HEALTH
    - Provide visual schedule for personal care tasks, such as handwashing and toileting
    - Provide trained classroom personnel to perform special medical procedures and provide training in the proper dispensing of medications
    - Provide student with private location and time to perform procedures
    - Involve school health staff, parents, teachers, and others in periodic review
    - Allow preferential seating as indicated by need
    - Adapt recess, physical education, and transportation
    - Develop health care and emergency plan
    - Establish health alert system whereby every staff member involved with student is aware of the health problem and of proper procedures
    - Provide a beeper/paging system for trained personnel
    - Arrange for in-service to other students and staff with parent/student permission

- INSTRUCTION & INCLUSION

Presentation accommodation (changes the way information is presented)

- Listen to audio recordings instead of reading text
- Learn content from audiobooks, movies, videos, and digital media instead of reading print versions
- Work with fewer items per page or line
- Work with text in a larger print size
- Have a "designated reader" — someone who reads test questions aloud to student
- Hear instructions spoken aloud
- Record a lesson, instead of requiring note taking
- Get class notes from another student
- See an outline of a lesson
- Use visual presentations of verbal material, such as word webs
- Get a written list of instructions

Response accommodations (changes the way student complete assignments or tests)

- Give responses in a form (spoken or written) that's easier for the student
- Dictate answers to a scribe who writes or types
- Capture responses on an audio recorder
- Use a spelling dictionary or digital spellchecker
- Use a word processor to type notes or give answers in class

- Use a calculator or table of “math facts”

Setting accommodations

- Work or take a test in a different setting, such as a quiet room with few distractions
- Sit where the student learns best (for example, near the teacher or in the back up against the wall)
- Use special lighting or acoustics
- Take a test in a small group setting
- Use sensory tools such as an exercise band that can be looped around a chair’s legs (so fidgety
- students can kick it and quietly get their energy out) Timing accommodations
- Take more time to complete a task or a test
- Have extra time to process spoken information and directions
- Take frequent breaks, such as after completing a worksheet Scheduling accommodations
- Take more time to complete a project
- Take a test in several timed sessions or over several days
- Take sections of a test in a different order
- Take a test at a specific time of day

Organization skills accommodations

- Use an alarm to help with time management
- Mark texts with a highlighter
- Use a planner or organizer to help coordinate assignments
- Receive study skills instruction

Writing accommodations

- Allow student to use ideas from a word/idea bank
- Allow student to write about segments of the same topic for several days
- After a topic has been chosen, assist the student in developing a visual outline/graphic organizer
- Keep pictures available to help generate ideas
- Require a minimal amount of writing per day-gradually increase the expectations (be prepared to start with very little!)
- Allow student to bring a picture from home to write about
- Allow lists and simple sentences-help student to gradually become more complex
- Allow student to dictate ideas to teacher, classroom assistant, or volunteer
- Provide a list of words for the student to use
- Provide a clearly written topic sentence and an informal outline to get the student started on a paragraph or essay
- Allow student to write about a special interest

Other strategies

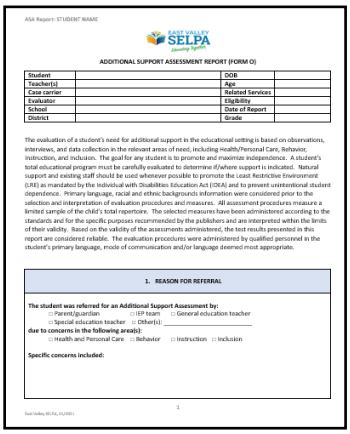
- Build background knowledge prior to presenting classroom books:
  - Read a book about the topic at the student’s level
  - Summarize the book with basic text and pictures and read with student
  - Develop vocabulary cards and review
  - Ask students WH questions
  - Practice sequencing main events
  - Watch videos
- Trace words and numbers if student works at this level

- Fill in blank sentences with traced words
- Use manipulatives in math
- Provide worksheets in similar color to that of peers (with similar content area at student's level)
- Write answers to questions on a white board that student copies onto a worksheet
- Color code questions and their answers for matching tasks
- Draw out answers on white board
- Provide choices of answers that student circles
- Provide fewer problems on worksheets and assessments
- Enlarge text and use high contrast (refer to VI itinerant)
- Use pictures/visuals as much as possible
- Provide topic boards with pictures depicting relevant vocabulary for the story or topic
- Tape number line to student's desk
- Identify any needed technology
- Provide social skills training
- Utilize peer support:
    - To find the correct page in books
    - To read a book to student and ask pre-drafted WH questions
    - To help count manipulatives
    - To write words for the student to trace
    - To paraphrase
    - To play educational games
    - To reinforce student (way to go, high fives, etc.)
    - To walk with student during transitions between classes
    - To eat with student at lunch (Lunch Buddy program)
    - To socialize with student at recess

- BEHAVIOR
    - Ensure behavior goals and/or a Behavior Intervention Plan are implemented
    - Arrange a "check-in" time to organize the day
    - Pair the student with another student who is a good behavior model for class projects
    - Use non-verbal cues to remind the student of rule violations
    - Develop an individualized reinforcement system aligned with student's preferences
    - Follow low-interest activities with high interest activities, so student gets a break from difficult or less interesting activities
    - Use break cards and/or schedule regular breaks throughout the day
    - Provide activities and objects for self-regulation (calming music, stress-balls, etc.)
    - Use a visual schedule for the day's activities and mini-schedules within the main schedule
    - Ensure student has an alternative communication system if non-speaking
    - Provide transition cards and advance notifications of upcoming transitions
    - Prepare the student for changes in schedule when feasible
    - Use a hierarchy of prompts to ensure success and increase independence
    - Identify student's preferred activities and interests and incorporate into instruction and reinforcement systems
    - Use visual supports and task analyses to increase understanding and decrease frustration

STEP 6: Consider Supports and Generate ASA

Form O: ASA Report


ASA Report: STUDENT NAME

EAST VALLEY SELPA

ADDITIONAL SUPPORT ASSESSMENT REPORT (FORM O)

Student		DOB	
Teacher(s)		Age	
Case carrier		Related Services	
Evaluator		Eligibility	
School		Date of Report	
District		Grade	

The evaluation of a student's need for additional support in the educational setting is based on observations, interviews, and data collection in the relevant areas of need, including Health/Personal Care, Behavior, Instruction, and Inclusion. The goal for any student is to promote and maximize independence. A student's total educational program must be carefully evaluated to determine if/where support is indicated. Natural support and existing staff should be used whenever possible to promote the Least Restrictive Environment (LRE) as mandated by the Individual with Disabilities Education Act (IDEA) and to prevent unintentional student dependence. Primary language, racial and ethnic backgrounds information were considered prior to the selection and interpretation of evaluation procedures and measures. All assessment procedures measure a limited sample of the child's total repertoire. The selected measures have been administered according to the standards and for the specific purposes recommended by the publishers and are interpreted within the limits of their validity. Based on the validity of the assessments administered, the test results presented in this report are considered reliable. The evaluation procedures were administered by qualified personnel in the student's primary language, mode of communication and/or language deemed most appropriate.

1. REASON FOR REFERRAL

The student was referred for an Additional Support Assessment by:
□ Parent/guardian □ IEP team □ General education teacher
□ Special education teacher □ Other(s): _____
due to concerns in the following area(s):
□ Health and Personal Care □ Behavior □ Instruction □ Inclusion

Specific concerns included:

1

East Valley SELPA, 01/2021

Form O

What and When?

At this stage in the ASA process, the evaluator has gathered all needed information from team members, observed the student, and considered supports. It is now time to summarize all the information in an assessment report. The *Additional Support Assessment (ASA) Report (Form O)* is used for this purpose. It is formatted as a fillable PDF with sections designed to report on the various information collected throughout the ASA process.

Why?

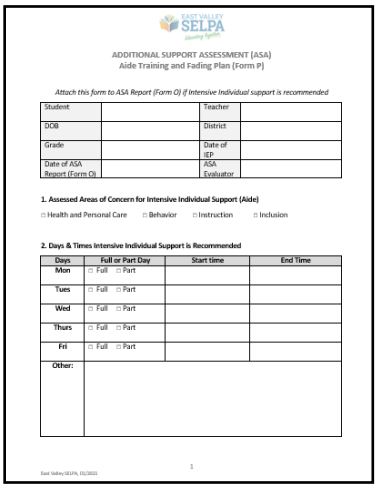
A report is written, so all team members have access to the assessment information and recommendations during the upcoming IEP meeting.

How?

The evaluator reviews all collected information and summarizes it in the appropriate spaces on the *Additional Support Assessment (ASA) Report (Form O)* before the IEP meeting. If Intensive Individual Support (1:1 aide) is recommended, the evaluator fills out the *Aide Training and Fading Plan (Form P)* and attaches it to the report. The *Aide Training and Fading Plan (Form P)* is described on the next page.

STEP 6: Consider Supports and Generate ASA Report

Form P: Aide Training and Fading Plan (if applicable)



ADDITIONAL SUPPORT ASSESSMENT (ASA)
Aide Training and Fading Plan (Form P)

Attach this form to ASA Report (Form O) if Intensive Individual support is recommended

Student		Teacher	
DOB		District	
Grade		Date of IEP	
Date of ASA Report (Form O)		ASA Evaluator	

1. Assessed Areas of Concern for Intensive Individual Support (Aide)

☐ Health and Personal Care ☐ Behavior ☐ Instruction ☐ Inclusion

2. Days & Times Intensive Individual Support is Recommended

Days	Full or Part Day	Start time	End Time
Mon	☐ Full ☐ Part		
Tues	☐ Full ☐ Part		
Wed	☐ Full ☐ Part		
Thurs	☐ Full ☐ Part		
Fri	☐ Full ☐ Part		
Other:			

Form P

What and When?

When the Additional Support Assessment (ASA) results in a recommendation of any level of Intensive Individual Support (1:1 aide), the evaluator facilitates the completion of the *Aide Training and Fading Plan (Form P)* and attaches it to the *ASA Report (Form O)*. *The Aide Training and Fading Plan (Form P)* provides an opportunity for the team to clarify several aspects related to Intensive Individual Support, including:

1. Days and times an aide is needed
2. Tasks the student needs assistance with
3. Settings in which assistance is needed
4. Writing an independence and fading goal
5. Planning for progress monitoring
6. Identifying aide training needs
7. Identifying the date to review the continued need for support

Why?

The use of Intensive Individual support is only one support from many that assists the student in achieving educational benefit in the LRE. Unless this support is assigned with the goal of fostering independence, it may restrict the student's access to the general curriculum and decrease social opportunities. In order to ensure instructional aides are equipped with the necessary skills and knowledge to foster independence rather than dependence, it is necessary to plan ahead and consider the aforementioned areas.

How?

The evaluator refers to collected assessment data and consults with the teacher and other team members to generate the *Aide Training and Fading Plan (Form P)*. A relevant goal, which reflects increasing levels of independence, is written collaboratively, and progress monitoring procedures are decided. The goal is transferred to the student's IEP document. Any specific aide training needs are determined and detailed on the form. Training considerations may vary depending on the specific student. For example, if the student is referred for behavioral difficulties, the aide may need training in behavior intervention procedures. Student use of assistive technology may necessitate aide training in the same technology. Once the *Aide Training and Fading Plan (Form P)* is complete, it is attached to the *ASA Report (Form O)* and presented at the upcoming IEP. The *Aide Training and Fading Plan (Form P)* is available as a fillable PDF.

STEP7: Hold IEP Meeting

When?

An IEP is held when all preceding steps 1-6 are complete. The IEP must be held within 60 days of receiving parental or guardian consent for assessment.

Why?

The purpose of the IEP team meeting is the sharing of assessment recommendations. This is the opportunity for the team to review all assessment data carefully and seek team consensus for possible supports.

How?

The evaluator makes the *ASA Report (Form O)* and, if applicable, the *Aide Training and Fading Plan (Form P)* available to all IEP team members and reviews each section, including recommendations. Team consensus is sought when selecting supports. All supports are properly documented in the IEP. If the team selects Intensive Individual Services (1:1 aide), those services are detailed on the IEP, including the provider of services, location of services, frequency, duration, delivery model, and the starting and end date. An example of the addition of daily half-day Intensive Individual services for a student attending a regular classroom is shown below in figure 18 as it appears on the Services – Offer of FAPE, within SEIS.

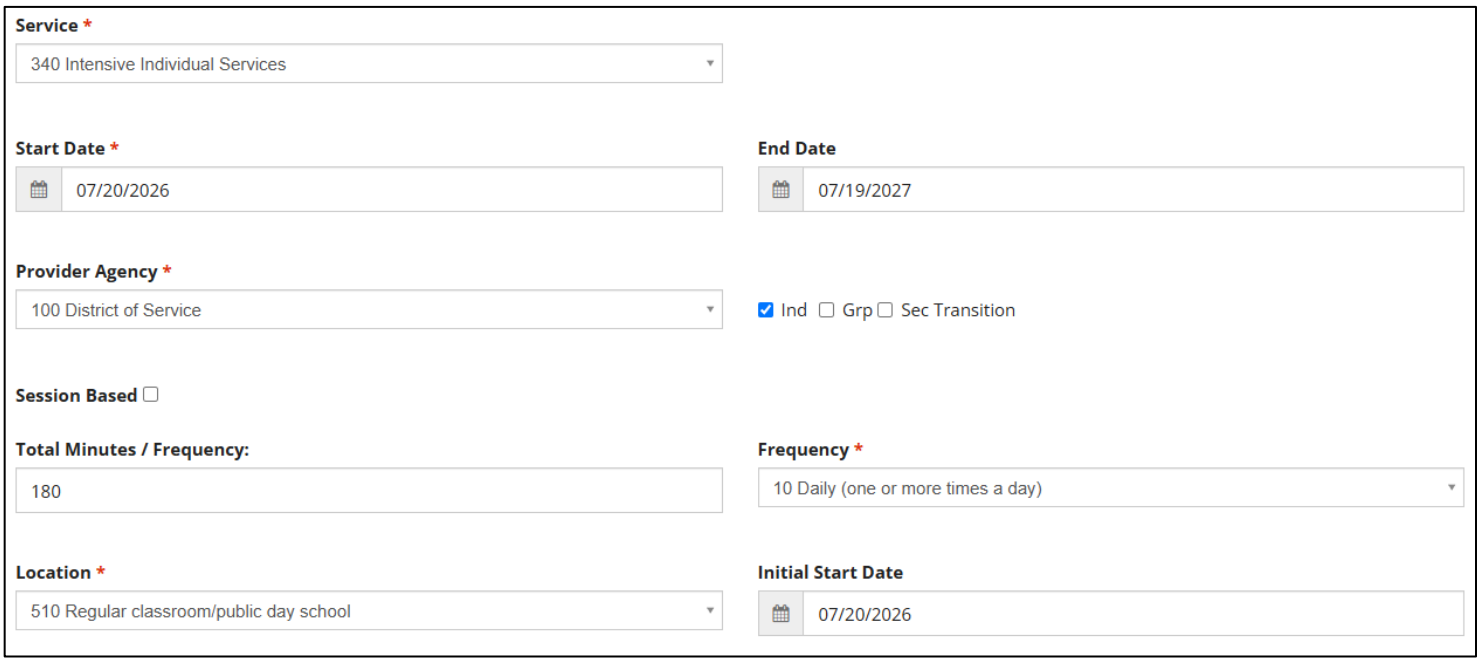


Figure 18: Services – Offer of FAPE of SEIS

References

Shasta County Special Education Local Plan Area, Guidelines When Requesting Additional Aide Support; October, 2017: https://www.shastacoe.org/uploaded/Dept/selpa/Aide_Forms/Aide_referral_guidelines_12- 13-12.docx

Office of P-12 Education: Office of Special Education, Special Education Field Advisory; Guidelines for Determining a Student with a Disability's Need for a One-to-One Aide; January, 2012: http://www.p12.nysed.gov/specialed/publications/1-1aide-jan2012.pdf

Resource Packet for "Teaching Them to Fish": Facilitating Student Independence and Fading Close Adult Support, 2018: https://www.lehsd.org/cms/lib/NJ50000067/Centricity/Domain/1039/Handouts%20for%2012.2018.pdf

Berrien Regional Education Service Agency; Procedural Guidelines for Determining the Need, Supervision, and Fading of Student Aides; February, 2016: https://berrienresa.org/UserFiles/Servers/Server_148518/File/Education%20Services/Special%20Education/R esources/Procedures%20for%20Student%20Aid.pdf

Paraeducators: Tools and Resources for Schools and IEP Teams: https://charterselpa.org/wp-content/uploads/2017/11/paraeducators_guideline.pdf

Riverside County Special Education Local Plan Area; Procedural Guidelines for Related Services Independence Assistance: 2017 (revised)

https://www.rcselpa.org/uploads/files/files/Related%20Services%20IA%20Guidelines%2011%202009%20R10- 17.doc.pdf

Teaching All Students: Staff Guide to Accommodations and Modifications, 2006:

https://www.shaker.org/Downloads/Accommodations_and_Modifications_Guide.

pdf Section 504: Sample Accommodations and Modifications:

http://www.warmlinefrc.org/uploads/5/9/5/8/5958794/section_504_accomodation

s.pdf

SECTION II – CHARTER SCHOOLS POLICIES AND PROCEDURES FOR PARTICIPATING IN THE EAST VALLEY SELPA LOCAL PLAN

Charter schools and/or other districts applying for LEA status within the East Valley SELPA shall submit a justification specifying why membership as an East Valley SELPA LEA is preferable to other alternatives. A request by a charter school to participate in the SELPA as an LEA will not be treated differently from a similar request made by a school district. The charter school shall participate in state

and federal funding for special education and the allocation plan, and governance of the special education local plan area in the same manner as other LEAs in the East Valley SELPA.

This policy applies to all dependent charter schools that are chartered by educational entities located within East Valley SELPA, as well as independent charter schools designated as a Local Education Agency (LEA). Additionally, this policy applies to any charter school petition granted by the County Board of Education or State Board of Education (SBE) in which oversight responsibilities have been assigned to a district within the SELPA (E.C. 47605(k)(1). In compliance with E.C. 47645, the East Valley SELPA will treat the review and approval of a charter school's request to be an LEA in the same manner as a request from another district to join the SELPA.

As students enrolled in charter schools are entitled to special education services provided by State and Federal funding, the charter schools shall follow all applicable requirements of State and Federal law regarding provision of special education services (E.C. 56000 et seq.), Individuals with Disabilities Education Act (20 U.S.C. Chapter 33).

Policy Statement

Special education and related services shall be provided to all eligible individuals within East Valley SELPA in accordance with this Local Plan. Students enrolled in charter schools chartered within the county shall receive services in a manner similar to students enrolled in member districts within the SELPA. Funding for special education services, participation in the governance structure, and responsibility for provision of services shall be based on the status of the individual charter school.

All approved charter schools will be deemed as public schools within a district unless the charter school has been deemed an LEA.

A. SELPA Involvement with Approval and Renewal of Charters:

   Prior to approval of a new charter or renewal of an existing charter, the superintendent or designee of the chartering entity may consult with the SELPA Administrator regarding the status of the charter school. In order to be deemed an LEA, the chartering entity will provide assurances that all eligible students, including those students enrolled in the charter school, will receive appropriate special education services.

B. Status of Charter Schools:

   For the purposes of provision of special education services, charter schools may be deemed either an LEA or a public school within the chartering district.

   1. Public School Within a School District: Charter schools that are deemed to be public schools within a district will participate in the State and Federal funding in the same manner as other schools within the chartering district. The chartering district will be responsible for ensuring that all children with disabilities enrolled in the charter school receive special education and designated instructional services in a manner that is consistent with all applicable provisions of State and Federal law. The district will determine the policies and procedures necessary to ensure that the protections of special education law extend to students in the charter school in the same manner as students in the regular program.

The chartering district will receive all applicable special education funds. The chartering district will represent the needs of charter schools, like other schools within the district, in the SELPA governance structure. The chartering district will be responsible for ensuring that all eligible students are appropriately served. The district will be responsible for procuring and funding appropriate special education services, even though the student may reside anywhere in the State of California.

The district and the charter school may enter into agreements whereby the charter school is billed for excess costs associated with providing special education services to identified students, including the administration of special education programs. The charter school should also be held fiscally responsible for a fair share of any encroachment on district general funds that is created by the provision of special education services throughout the district similar to non-charter schools within the SELPA.

2. Charter School as an LEA Within the SELPA: A charter school may apply to become an LEA for the provision of special education services. Application must be made to the SELPA by February 1 of the school year preceding the school year in which the charter school anticipates operating as an LEA within the SELPA. The SELPA Board of Directors will make the final determination whether the charter school has met all requirements of an LEA. The special education requirements include:
    i. Meet the terms of the assurances required in the Local Plan regarding Identification, Screening, Referral, Assessment, Instructional Planning, Implementation, and review.
    ii. Meet the terms of the assurances required in the Local Plan regarding Procedural Safeguards.
    iii. Meet the terms of the assurances required in the Local Plan regarding Regionalized Services.
3. Once deemed an LEA, the charter school will be responsible for and entitled to the following:
    i. Participate in governance of the SELPA in the same manner as other districts within the SELPA.
    ii. Participate in State and Federal funding for special education in accordance with the SELPA Allocation Plan in the same manner as other LEAs within the SELPA.
    iii. Be responsible for all costs incurred in the provision of special education services. These costs may include, but are not limited to, instruction, transportation, non-public school/agency placements, inter/intra SELPA placements, due process proceedings, complaints, and attorney fees.
    iv. Provide a current operating budget in order to assure fiscal responsibility in accordance with E.C. Sections 42130 and 42131.
    v. Provide a copy of the Charter.
    vi. Provide assurances that students and staff will be instructed in a safe environment.

C. Administrative Guidelines

1. A petition for the creation of a charter school, or renewal of an existing charter, which seeks to be deemed an LEA, must contain adequate assurances that the proposed school will comply with all applicable provisions of State and Federal law and implementing regulations related to the rights of children with disabilities and their parents (20 U.S.C. Chapter 33, Individuals with Disabilities Education Act).

2. The governing board shall require that a petition include the means by which the charter school intends to serve students with disabilities.
3. The governing board shall require that a petition contain assurances that no student will be denied admission to the charter school based on disability or lack of available services.
4. Prior to approving a charter school petition, the superintendent or designee of the chartering entity may consult with the SELPA Administrator regarding the provision of special education services to students enrolled in the prospective charter school.
5. The charter petition, or an accompanying Memorandum of Understanding or Business Services Agreement, may provide for the allocation of excess costs and/or the charter school's fair share of special education encroachment on the district general fund.
6. Once admitted to a charter school, any special education services required by enrolled students will be provided by the chartering district if the school is deemed a public school within the district, or by the charter school if deemed an LEA, or by contractual arrangement.
7. If a charter school IEP team places a student in a special education program provided by another educational entity (i.e., a COE, non-public school, non-public agency, or another district or SELPA), the charter school will be responsible for any excess costs attributable to the placement, similar to other districts within the SELPA. Responsibility for excess costs will rest with the placing charter school.
8. A district IEP team may place a student in a charter program only with agreement between responsible educational entities and parental consent. Under such circumstances, the placing district will be responsible for any excess costs in accordance with the Local Plan.
9. The chartering district will be allocated all special education funds that are generated by a charter school that is deemed a public school. The chartering district will represent the needs of the charter schools that are deemed public schools in the SELPA governance structure. The charter school will receive SELPA services in the same manner as other schools within the chartering district.
10. If the approval of a charter school requires a change in the SELPA allocation plan, such change shall be adopted pursuant to the policy making process outlined in the SELPA Local Plan.
11. If the charter school wishes to be deemed an LEA, the approved charter school will apply to the SELPA for LEA status prior to February 1 of the preceding school year.
12. Charter schools that are deemed an LEA will be allocated special education funds in the same manner as other districts within the SELPA. Charter schools that are deemed an LEA will be included in the SELPA governance structure in the same manner as other districts within the SELPA.

SECTION III - INTER-SELPA TRANSFERS

Purpose

The Inter-SELPA Transfer Agreement was developed to assist Local Education Agencies *(*LEAs) within the East Valley SELPA (EV SELPA) to (1) document inter-SELPA transfer agreements for the provision

of special education services to a student with a disability in a setting outside of the student's LEA/SELPA of residence, and (2) to provide a mechanism to transfer funds if it is determined to be necessary.

The Transfer Agreement is initiated when the individualized education program (IEP) team, including a district office representative, determines that the special education services that a student needs are not available within the district. It is NOT required when a LEA accepts a student based on a parental request for inter-district transfer. The LEA that accepts the transfer agreement assumes responsibility for the provision of services, for reporting attendance, and for counting the pupil in CALPADS.

Inter-SELPA Transfer Agreement

An Inter-SELPA Transfer Agreement is initiated under either of the following circumstances:

A. For the transfer of a student with an IEP from a LEA that is a member of the EV SELPA to a program operated by an LEA that is not a member of the EV SELPA.

B. For the transfer of a student with an IEP from an LEA that is a not a member of the EV SELPA to a program operated by an LEA that is a member of the EV SELPA.

Procedures

LEA of Residence (Sending District) is Within EV SELPA:

- District level Special Education Administrator discusses case with EV SELPA administrator when it has been determined the student's identified needs cannot be met within the LEA/SELPA of residence.
- EV SELPA Administrator discusses case with the SELPA administrator from outside of EV SELPA. Discussion shall include possible transfer agreement, potential costs and responsibilities, and IEP meeting date/time.
- If decision is made to place student in LEA program that is not within the EV SELPA, an IEP meeting is held to make the offer of FAPE. District level Special Education Administrator completes and signs the EV SELPA Inter-SELPA Transfer Agreement form and sends it to the EV SELPA immediately.
- EV SELPA administrator signs the transfer form and EV SELPA obtains signatures from the LEA and SELPA of service/attendance. A photocopy is kept for tracking purposes until it is signed by receiving LEA.
- A new Inter-SELPA Transfer Agreement must be approved annually should the student continue to receive special education services by the other LEA/SELPA.

LEA of Residence (Sending District) is Not Within EV SELPA

- District level LEA Special Education Administrator or SELPA administrator from outside EV SELPA contacts EV SELPA administrator when it has been determined the student's identified needs cannot be met within the student's district of residence/SELPA. Discussion shall include possible transfer agreement, potential costs and responsibilities, and IEP meeting date/time.

- If decision is made to place student in LEA program that is within the EV SELPA, an IEP meeting is held to make the offer of FAPE. District level Special Education Administrator completes the inter-SELPA transfer document applicable to that SELPA and follows the procedures required.
- EV SELPA administrator and LEA Special Education Administrator sign the transfer form and keep a photocopy of it for tracking purposes.
- A new Inter-SELPA Transfer Agreement must be approved annually should the student continue to receive special education services by the other LEA/SELPA.

LEA of Attendance (Receiving LEA):

- Review and approve or disapprove the proposed Inter-SELPA Transfer Agreement.
- Retain copy of completed and signed Inter-SELPA Transfer Agreement form and return original copy to EV SELPA.
- Place student in district database for CALPADs purposes.
- Complete IEP within SELPA student database system.

East Valley SELPA:

- Maintain a master list of all Inter-SELPA Transfer Agreement forms.

SECTION IV – INTERIM PLACEMENT PROCEDURES

In order to facilitate the transition of an individual with exceptional needs, the new school in which the pupil enrolls shall take reasonable steps to promptly obtain the pupil's records.

Upon receipt of a request from an educational agency where an individual with exceptional needs has enrolled, a former educational agency shall send the pupil's special education records, or a copy thereof, to the new educational agency within five working days (CA Education Code Section 56325).

Transfers to a District from a District Outside of the SELPA. If the child has an Individualized Education Program (IEP) and transfers into a district from a district not operating programs under the same Special Education Local Plan Area (SELPA), in which he or she was last enrolled in a special education program within the same academic year, the Local Educational Agency (LEA) shall provide the pupil with a Free Appropriate Public Education (FAPE), including services comparable to those described in the previously approved IEP, in consultation with the parents, for a period not to exceed 30 days, by which time the LEA shall adopt the previously approved IEP or shall develop, adopt, and implement a new IEP that is consistent with federal and state law.

Transfers from District to District within the same SELPA. If the child has an IEP and transfers into a district from a district operating under the SELPA of the district in which he or she was last enrolled in a special education program within the same academic year, the new district shall continue, without delay, to provide services comparable to those described in the existing approved IEP, unless the parent and the LEA agree to develop, adopt and implement a new IEP that is consistent with federal and state law. It is recommended that at least an IEP Amendment be done to reflect the change in location and provider.

Transfers from District to District from Outside of State. If the child has an IEP and transfers from an educational agency outside the state to a district within the state within the same academic year, the LEA shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved IEP, in consultation with the parents, until the LEA conducts an assessment.

SECTION V – LOW INCIDENCE

As part of the Local Plan submitted to the State, each SELPA must describe how funding for specialized books, materials, equipment, and services will be distributed within the SELPA. These guidelines have been developed to provide a summary of legal requirements and local procedures for students with low incidence disabilities. In addition to this policy, all requirements outlined under the Annual State Low Incidence Funding Update will be observed.

Legal Requirements

Education Code Section 56836.22 provides for funds to purchase "specialized books, materials and equipment as required under the student's individualized education program (IEP) for students with low incidence disabilities as defined in Section 56026.5. As specified in Education Code 56026.5, a low incidence disability eligible for use of low incidence funding means a severe disabling condition with an expected incidence rate of less than one percent of the total statewide enrollment in kindergarten through grade 12. For purposes of this definition, severe disabling conditions are hearing impairments, vision impairments, and severe orthopedic impairments of any combination thereof. For purposes of this definition, vison impairments do not include disabilities with the function of vision specified in Section 56338).

One of the following disabling conditions must be the primary or secondary disability in order for a student to be eligible to receive equipment and/or services specifically through low incidence funds:

- Hearing Impairment (def. Means a hearing impairment, whether permanent or fluctuating, that adversely affects a child's educational performance but is not included under the definition of deafness.)
- Deafness (def. Means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's educational performance)
- Visual Impairment (def. Including blindness means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.)
- Orthopedic Impairment (def. Means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly; impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy amputations, and fractures or burns that cause contractures).
- Deaf-Blindness (def. means concomitant hearing and visual impairments, the combination of which causes severe communication, developmental, and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.)

As a condition of receiving these funds, the SELPA will ensure that:

- the appropriate books, materials and equipment are purchased.
- the use of items is determined necessary through the IEP process and/or assessment.
- the books, materials and equipment are reassigned within the SELPA once the district/student that originally received the items no longer needs them.
- an inventory of low incidence equipment is maintained at the SELPA.

Special supplies and equipment purchased with State funds are the property of the State and will be available for use by children with disabilities throughout the State. The Clearinghouse for Specialized Media and Technology (CSMT) is available to facilitate the distribution of unused materials and equipment.

In addition to the equipment fund, the annual State Budget Act may appropriate funds to be used to provide specialized services to students with low incidence disabilities. Education Code Section 56363(b)(16) states "Specialized services for low-incidence disabilities, such as readers, transcribers, and vision and hearing services."

Equipment purchased with low incidence funds is the property of the State of California. These item(s) are considered "On Loan" to the students who are qualified by the nature of their disability to access materials purchased with low incidence funds.

Low Incidence Funding

The Governor's budget for 2020-2021 included a significant increase in low incidence funding. The funds are provided for students with a primary or secondary low incidence disability. In keeping with the philosophy of the EV SELPA Local Plan and Fiscal Allocation Plan, the additional funding provided in 2020-2021 will be combined with the low incidence funding traditionally provided. Fifteen percent (15%) of the combined funds will remain with the SELPA for the implementation of the EV SELPA Low Incidence Policy and Procedures to purchase "specialized books, materials and equipment as required under the student's individualized education program (IEP) for students with low incidence disabilities as defined in Section 56026.5." The remaining 85% of the combined funds will be passed through to each district based on the district's low incidence pupil count of students with a primary or secondary low incidence disability the prior October (pupil census date).

Responsibility

Low Incidence funding is legally the responsibility of the SELPA, including accountability of how the funds are used; reassignment of specialized books, materials, and equipment within the SELPA; and sharing with other SELPAs. To meet this responsibility, the SELPA will establish procedures and guidelines for purchases through the Low Incidence fund.

The East Valley SELPA Low Incidence Committee has established guidelines and procedures for purchases through the Low Incidence Fund.

The Low Incidence Committee may include:

Specialist for the hearing impaired

Specialist for the orthopedically impaired

Specialist for the visually impaired

Speech language pathologist

Specialist knowledgeable in assistive technology

Occupational therapist

Physical therapist

Information technology specialists

District administrators

SELPA administrator

Other SELPA staff

Each District in the East Valley SELPA is responsible for accessing this fund in accordance with the criteria established in these guidelines and procedures. This includes, but is not limited to, student assessment to determine the unique educational need for specialized books, materials, or equipment as well as the submission of a written report and request to include the need for specialized services, materials, and equipment; not supplanting; assisting with inventorying equipment; and notifying the SELPA when items need repair and are available for reassignment.

Eligibility

Funds may be used for all students with the Low Incidence disabilities as defined in law, for both primary and secondary eligibilities. Districts must enter the low incidence eligible disability as either the primary or secondary disability on the student's IEP. Some students identified as having an orthopedic impairment may not be eligible because they do not have a "severe orthopedic impairment" as per the definition of Low Incidence disabilities in Education Code56026.5. For purposes of the EV SELPA Low Incidence procedures, a severe disability limits a student's access to the curriculum and/or the educational setting.

Education Code Section 56320(g) requires that persons knowledgeable of that disability conduct the assessment of a student with a suspected low incidence disability. A low incidence disability does not guarantee the use of low incidence funds. The IEP team reviews assessment data and determines the most appropriate items or services needed to address the student's unique educational needs. These items or services may or may not be "specialized." Items, which are found in most classrooms, would not be acquired through low incidence funds.

Low Incidence Procedures

The EV SELPA Low Incidence Committee developed and has made available to its member districts and SBCSS EV-Ops for accessing materials and equipment to serve to appropriately identified and assessed students with low incidence disabilities. Contact 909-252-4507 or evselpa@sbcss.net for the procedures.

SECTION VI – NONPUBLIC SCHOOL/AGENCY SELPA FUNCTIONS

The East Valley SELPA, at the request of its member districts, engages in a centralized nonpublic school/agency (NPS/A) contract and invoice process. Annually, the EV SELPA develops master

contracts for nonpublic schools and nonpublic agencies as well as engages in annual rate negotiations to establish competitive rates. The EV SELPA processes and pays invoices established via the EV SELPA NPS/A procedures and guidelines as well as initiates quarterly fiscal transfers for payment. The EV SELPA also assists its member districts in compliance with AB 1172. A description of the SELPA's Nonpublic School work is included in the East Valley SELPA Fiscal Allocation Plan. The following procedures apply.

In July 1999, the East Valley SELPA, at the request of its member districts, centralized the NPS/A contract and invoice process. The following procedure has been developed to facilitate the centralized process. A description of the SELPA's Nonpublic School work is included in the East Valley SELPA Fiscal Allocation Plan.

District Responsibility

A. Through the IEP process, it is each district's responsibility to determine NPS/A educational placement/ service(s), including the provider.

B. The IEP shall include the student's special education service(s) to be provided by the NPS/A including start date and end date (as applicable) and transportation needs.

C. The district is responsible for entering and maintaining student data in the East Valley SELPA student information system (SEIS) for NPS/A placements. This includes:

    1. adding new student records
    2. updating records
    3. exiting students

Change of District within East Valley SELPA. If the student has moved from an EV SELPA member district (Colton, Redlands, Rialto, Rim of the World, or Yucaipa-Calimesa) to another EV SELPA member district, and has a current IEP for NPS, the receiving district may choose to continue the current IEP.

    4. Immediately upon placement in NPS/A, the receiving district MUST request the SEIS record from the previous district and complete the adoption process of the student record to create the necessary transactions to submit to CALPADS.
    5. Located on the SELPA website, complete an NPS/A Change of Placement (EV-99) form, sign the EV-99 (must be signed by the district Special Education Director or designee), and forward it to the SELPA along with a copy of signed IEP.

Interim Administrative Placement and 30-Day/Plan Review (student with IEP from district outside of EV SELPA). An Interim Administrative Placement must be made on the student's first day of attendance in the district when a student moves to the district with a current IEP from outside of EV SELPA; this includes a student with an IEP for NPS/A. Within 30 days of the administrative placement, an IEP meeting must be held.

    6. Immediately upon placement in an NPS/A, the district MUST request the student's SEIS record, adopt the student record, complete/affirm the Interim Administrative Placement page as an Amendment in the Current IEP, and verify the data for completeness.
    7. If the student does not have an existing SEIS record, the district MUST complete the Initial CALPADS Affirm process.

8. Located on the SELPA website, complete an NPS/A Change of Placement (EV-99) form, sign the EV-99 (must be signed by the district Special Education Director or designee), and forward it to the SELPA along with a copy of signed IEP.

30-Day/Plan Review. As applicable, the IEP team may decide to continue the current non-EV SELPA IEP with NPS/A placement OR develop a new IEP for placement in either NPS/A or a district program. If the district determines a district program is appropriate, it must do so based on student data. This can include a Reevaluation Assessment.

9. Continue the NPS placement. Send IEP Invitation/Notice of Meeting A indicating the purpose of meeting as both the 30-day Review and Plan Review of Progress. At the meeting, update present levels and goals & objectives as necessary; affirm the IEP in SEIS.
10. Place in District Program. Send IEP Invitation/Notice of Meeting A indicating the purpose of meeting as both Other: 30-day Review and Plan Review. If the Reevaluation is also done at this time, the30-day/Plan review meeting will also constitute the new Reevaluation date and the next Reevaluation must be conducted within three years from this date. At the meeting, update present levels and goals & objectives as necessary; affirm the IEP in SEIS. Complete a Change of Placement (EV-99) and forward it to SELPA.

Subsequent IEP Meetings. All subsequent IEPs, including Plan Reviews, Amendments, and Reevaluations must be conducted in SEIS. A new EV-99 and copy of the signed IEP must be submitted to SELPA each time a new IEP or Amendment is completed where changes are made. This notifies and allows the SELPA to update services on the student's ISA.

11. Districts must use the NPS/A Change of Placement (EV-99) form to communicate any non-IEP related changes in student status (i.e., address change, returning to district, transferred out of district, graduated, or aged out).

SELPA Responsibility

A. Annually, the SELPA will negotiate the Nonpublic School/Agency Master Contracts on behalf of its member districts and initiate purchase orders.
B. Individual Student Agreements (ISA's) will be initiated by the SELPA upon receipt of the EV-99and signed IEP, based on each student's IEP.
C. The SELPA will maintain digital/electronic files for the NPS/A contracts, invoices, and attendance.
D. The SELPA will audit NPS/A invoices prior to approval for payment. The audit will include:
    1. Adherence to the NPS/A Master Contract rates and calendar days of operation
    2. Adherence to the student's ISA, including start date and end date (as applicable), number of days of actual attendance (including number of days authorized for extended year based on the student's IEP)
    3. Service rates per the Master Contract; and
    4. Mileage

Based upon the audit, the SELPA will obtain corrected invoices as necessary and submit to County Schools Internal Business for payment processing.

The SELPA will prepare quarterly transfer reports for review by EV SELPA Steering and the EV SELPA Board of Directors. The transfers will be made following the EV SELPA Steering Committee review.

The SELPA will provide districts with NPS ADA data for P-1, P-2, and Annual. Districts must input this data into the State Revenue software.

The SELPA will monitor NPS/A programs and make periodic site visitations.

5. SELPA staff will typically attend CDE On-Site Reviews on behalf of member districts.
6. SELPA supports its member districts and NPS/As with AB1172 compliance including:
    a. Consulting with NPS/As to review documentation and provide verification of the annual Behavior Training.
    b. Collaborating with district staff to jointly conduct pre-placement visits (required prior to placement of an EV SELPA student at an NPS if no other EV SELPA students are placed at the NPS).
    c. Providing guidance, support, and oversight to member districts to conduct Annual NPS Monitoring Visits.

NPS/A Compliance Monitoring Process

NPS Behavior Training Verification Process

AB1172 requires each NPS/A to provide annual behavior training to all staff that encounter students during the school day. The NPS is required to obtain verification of the training from each contracted agency. The EV SELPA will review the documentation and provide the verification for NPS/As with which EV SELPA holds the contract on behalf of its member districts. If an individual LEA holds a contract with an NPA independent of the EV SELPA, the LEA will review the documentation and provide the verification.

AB1172 behavior training requirements:

A. Training was selected and conducted by the NPS/A and met the following requirements:
    1. Be conducted by persons licensed or certified in fields related to the evidence-based practices and interventions being taught.
    2. Be taught in a manner consistent with the development and implementation of individual education programs.
    3. Be consistent with the requirements of Article 5.2 (commencing with EC § 49005) of Chapter 6 of Part 27, relating to pupil discipline.

Training included the following:

4. Positive behavioral intervention and supports, including collection, analysis, and use of data to inform, plan and implement behavioral supports.
5. How to understand and address challenging behaviors, including evidence-based strategies for preventing those behaviors.

6. Evidence-based interventions for reducing and replacing challenging behaviors, including de-escalation techniques.

NPS Pre-Placement Visit

AB1172 requires that an LEA visit a Nonpublic School prior to placement of a student at the facility if the LEA does not already have a student at that facility or has not had a student at the facility during the current school year. As EV SELPA holds the master contract with the Nonpublic Schools, the SELPA represents all member districts in this activity.

When an LEA is considering the placement of a student at an NPS, the LEA representative will contact the EV SELPA to identify whether any students from EV SELPA are currently placed or were placed during the current school year. If no students are placed or were placed during the current school year, the LEA representative contacts the Program Manager to coordinate a Pre-Placement visit to the NPS. The EV SELPA Program Manager will complete the appropriate form in conjunction with the LEA representative. The EV SELPA Program Manager will submit the form to CDE.

EV SELPA Mental Health staff will conduct the Pre-Placement Visit on behalf of its member districts if a student is being considered for placement at a Residential Treatment Center (RTC).

NPS Annual Monitoring

AB1172 requires that the LEA conduct an annual monitoring visit for each student placed at an NPS. The annual monitoring includes student observation, facility walk-through/visit and review of student progress toward goals. The LEA conducts the annual monitoring using the designated EV SELPA form and submits the form to the EV SELPA when completed. EV SELPA will submit the forms to CDE on behalf of its member districts and maintain a database to ensure all placed students are reviewed annually.

SECTION VII – PROCEDURES FOR REQUESTING CLASSROOM OBSERVATIONS

Guidelines for School Based/Classroom Observation

General Policies

It is the guidance of the East Valley SELPA to limit outside observations of school-based programs for the following reasons:

- Confidentiality
- Impact on the learning environment
- Time away from task by staff
- Additional stressors in the learning environment
- School safety

Individuals requesting an observation shall conform to the policies and procedures of the host LEA/district. Generally, all observations are scheduled in advance, with the reason for the observation, qualification (position) of the person making the observation, and specific standardized observational

measures to be used (if any) shared with the school district contact person or administrator. For pupils with disabilities, the LEA/district shall have the authority to grant/deny requests. By knowing the specifics of the observation, school staff can schedule the observation at a time where student issues and concerns can mostly be seen.

It is recommended all observations are hosted by a district staff person of a similar background/position. The district staff person shall also make observational notes of the same visitation.

Limitations

- Observation is for a specific pupil, and information about other children cannot be shared, nor used as a basis for placement, diagnosis, or imperative data specific to other children.
- Specific areas of concern that form the basis of the observation must be shared with the school administrator or school contact person prior to the observation. If a specific standardized observation measure is to be used, the name of the test must be shared along with documentation by the parent authorizing use of the testing instrument/observational checklist.
- Generally, observations are for 30 minutes.
- In no way may the observation of a specific child be used as an evaluation of a credentialed staff person, teacher, or other professional. All evaluations are subject to district policies. In the event an observer has any comments regarding the performance of any staff person, either positive or negative, this information shall not be included in any written report and shall be provided to the supervisor as necessary and appropriate. District complaint procedures are available upon request.
- It is understood that this SELPA guidance is superseded by any approved district policy.

Interagency Responsibilities

- It is understood that Regional Center, Department of Mental Health, and/or California Children Services may have specific needs to observe pupils at school. These guidelines are in addition to any such guidelines contained in the interagency agreement with those agency.
- Districts shall collaborate to assure that the observation is completed within the guidelines and within a reasonable period of time of the original request. All concerns at a given school shall be referred to the district. Unresolved concerns shall be referred to the East Valley SELPA.
- To the maximum extent possible, agencies are asked to obtain the required observational information from opportunities outside the school program and school environment.

SECTION VIII – PARENTALLY PLACED PRIVATE SCHOOL STUDENTS

Introduction

There are two major categories of private school students - “publicly placed” and “parentally placed”.

In the first instance, the educational agency places a student in a private facility in order to meet its requirement of free appropriate public education (FAPE) and the local educational agency (LEA)

obligation to serve the student is exactly the same as if the student attended the public school. In California, these private facilities are commonly referred to as nonpublic schools (NPS).

In contrast, the special education rights of the parentally placed private school student are considerably more limited. A parentally placed private school student with a disability does not have an individual right to FAPE. There are no instances when a LEA will be required to provide a service to such a child. However, there are particular obligations that the LEA must fulfill as explained herein.

The EV SELPA has developed procedures which apply to all SELPA member LEAs but not necessarily to other LEAs outside of the East Valley SELPA boundaries. This document (1) explains the key definitions used herein, (2) defines child find through identification procedures, (3) delineates differences in provision of services, (4) describes obligations for meaningful consultation, and (5) explains proportionate share.

Key Definitions Used Herein

District of Special Education Accountability (DSEA): As used in this policy, the District of Special Education Accountability (DSEA) refers to the school district within which the child with a disability resides.

District of Service (DOS): As used in this policy, the District of Service (DOS) refers to the school district within which the private school is located.

Individualized Education Program (IEP): As used in this policy, the Individualized Education Program (IEP) refers to the DSEA offer of a free appropriate public education.

Individual Service Plan (ISP): As used in the policy, the Individual Service Plan (ISP) is a plan created by the DOS when a parent voluntarily places an eligible student with a disability in a private school.

Local Educational Agency (LEA): As used in this policy, LEA refers to a school district, county office, or charter school.

Private School Students with Disabilities: As used in this policy, "private school students with disabilities" mean students with disabilities enrolled by their parents in a private school or facility.

Private School or Facility: As used in this policy, "private school or facility" means: (1) private full- time day school pursuant to California Education Code section 48222 (including religious schools); (2) any other California Department of Education (CDE) identified educational institution, program, arrangement, or facility not sponsored, maintained, or managed by the LEA and for which the LEA does not collect average daily attendance funds; (3) CDE authorized private school affidavit. This only includes nonprofit private schools. Students in for-profit private schools are not eligible to receive an Individual Service Plan (ISP) as per 34 CFR §§ 300.130, 300.13 and 300.36 which defines eligibility criteria for parentally placed students with disabilities in private school.

Private School Consultation

"Consultation" involves discussions between the LEA, private school representatives, and parents of parentally placed private school students with disabilities on key issues that affect the ability of eligible private school children with disabilities to participate equitably in federally funded special education and related services. Effective consultation provides a genuine opportunity for all parties to express their views and to have those views considered by the LEA. Successful consultation establishes positive and productive working relationships that make planning easier. This section provides information about

private school consultation legal requirements, development of Private School Protocol, and meaningful consultation affirmation.

Legal Requirements

To ensure timely and meaningful consultation, a local educational agency shall annually consult with private school representatives and representatives of parents of parentally placed private school children with disabilities during the design and development of special education and related services for the children. Such consultation shall include the following: the child find process and how parentally placed private school children suspected of having a disability can participate equitably, including how parents, teachers, and private school officials will be informed of the process.

A. the determination of the proportionate amount of Federal funds available to serve parentally placed private school children with disabilities under this subparagraph, including the determination of how the amount was calculated.

B. the consultation process among the local educational agency, private school officials, and representatives of parents of parentally placed private school children with disabilities, including how such process will operate throughout the school year to ensure that parentally placed private school children with disabilities identified through the child find process can meaningfully participate in special education and related services.

C. how, where, and by whom special education and related services will be provided for parentally placed private school children with disabilities, including a discussion of types of services, including direct services and alternate service delivery mechanisms, how such services will be apportioned if funds are insufficient to serve all children, and how and when these decisions will be made.

Development of Private School Protocol

Opportunities for meaningful consultation between the private school personnel, parents of students with disabilities enrolled in the school, and special education leaders from the LEA wherein the school is housed leads to a private school protocol. The provision of equitable services shall be provided by employees of a public agency, or through contract by the public agency with an individual, association, agency, organization, or other entity.

Special education and related services provided to parentally placed private school children with disabilities, including materials and equipment, shall be secular, neutral, and non-ideological EC. §56172(f).

When the LEA meets with the private school personnel and parents of private school students, discussions will occur as to developing procedures and practices for the provision of equitable services to students with disabilities enrolled in private schools. This process includes review of the current needs of the students in order for the team to facilitate a decision of which specific special education service(s), materials, and/or equipment(s) will be provided on behalf of the students.

When timely and meaningful consultation has occurred, the LEA shall obtain a written affirmation signed by the representatives of participating private schools. A copy of the affirmation letter and the private school protocol shall be sent to the LEAs within the SELPA.

Proportionate Share of Funds

Calculation: One time each year, a pupil count of the number of eligible parentally placed private school students with an ISP will take place. SELPA calculates the proportionate share of federal dollars generated from the private school pupil count to be allocated to provide special education and related services to private school students.

The proportion is equal to the proportion of eligible private school students receiving special education compared with the proportion of total public-school students receiving special education, divided into federal funding. The proportional service is provided by the District in which the private school is located.

LEAs must consider those parentally-placed private school children with disabilities enrolled by their parents in private schools located in the LEA that meet the definition of elementary school and/or secondary school when determining two different proportionate share expenditures:

> For children aged **3 to 21**, the LEA must spend an amount that is the same proportion of the LEA's total subgrant under section **611(f)** of the IDEA (20 *United States Code* [*U.S.C.*] § 1411(f)) as the number of private school children with disabilities aged 3 to 21 who are enrolled by their parents in private, including religious, elementary schools and secondary schools located in the school district served by the LEA, is to the total number of children with disabilities in the LEA's jurisdiction aged 3 to 21.
>
> For children aged **3 to 5**, the LEA must spend an amount that is the same proportion of the LEA's total subgrant under section **619(g)** of the IDEA (20 *U.S.C.* § 1419(g)) as the number of parentally-placed private school children with disabilities aged 3 to 5 who are enrolled by their parents in a private, including religious, elementary school located in the LEA, is to the total number of children with disabilities in the LEA's jurisdiction aged 3 to 5.

How the proportionate share (amount of available federal funds) is calculated:

- Identify the total number of eligible school children (ages 3 – 21) with disabilities in the district.
- Identify the total number of eligible parentally placed private school children with disabilities in the district (non-pre-school).
- Obtain the sum of students in steps A and B for total number of the district's eligible children in public and private schools.
- Identify the total Federal IDEA Part B funds given to the school district.
- Divide the total Federal IDEA Part B funds (D) by the Total Eligible Students (C).
- Multiply the quotient obtained in step E by the number of eligible parentally placed private school students (B) to obtain the district's Proportionate Share.

Total Federal Flow-Through Funds (D) / Total Elig. Students (Public & Private) (C)	X	Eligible Parentally Placed Private School Students (B)	=	**Total Proportionate Share for Parentally Placed Private School Students with Disabilities (F)**

Child Find through Identification Procedures

The 2006 regulations in 34 CFR 300.131(a) provide that each LEA must locate, identify, and evaluate all children with disabilities who are enrolled by their parents in private, including religious, elementary schools and secondary schools located in the school district served by the LEA. This includes both the district of special education accountability and the district where the private school is located, as they each hold responsibility for child find. The child find process must be designed to ensure the equitable participation of parentally placed private school children with disabilities and an accurate count of such children.

In carrying out this clause, the LEA is required to undertake activities similar to those activities undertaken for the agency's public-school children (i.e., problem solving team documentation of interventions considered and utilized, as appropriate). Such child find process shall be completed in a time period comparable to that for other students attending public schools in the LEA. Given these obligations, the cost of carrying out child find activities, including individual evaluations, may not be considered in determining whether a local educational agency has met its obligations under private school proportionate share allocations.

Problem Solving Team Process

Prior to pursuing a formal special education assessment, private schools are encouraged to establish a pre- referral problem solving team intervention process, (i.e., Student Intervention Team (SIT), Response to Intervention (RtI), Student Study Team (SST)) to address support within the classroom. Training for this process, including the required forms, will be provided by the district within which the private school is located.

The private school needs to complete the problem solving team process and document interventions considered and/or utilized in the private school setting. A systematic record of the meetings, recommendations, and follow-up services of the pre-referral intervention process should be maintained by the private school to monitor student progress.

If the child continues to struggle and the problem solving team suspects a disability might exist, the private school needs to notify the district wherein they are located (the DOS) of the potential need for an evaluation. The private school will submit copies of the results of the interventions to the DOS.

Procedures for Processing Referrals for Special Education Evaluation

The EV 93 (Private School Child Find Notification) will be used by the DOS and/or DSEA at the initiation of the referral for assessment process. The district where the private school is located (DOS) will conduct the assessment of the private school student. The DOS will initiate a proposed *Assessment Plan* and explain the forms to the parent within 15 days of the referral. The DOS will obtain the signed assessment plan and EV-10 (Exchange of Information). The DOS will notify the DSEA of the assessment using the EV-93 along with an Exchange of Information (EV-10) signed by the parent(s) or guardian(s).

The DOS will complete the assessment, including writing a written report, within 60 days of receiving parental consent to conduct the evaluation. The DOS will provide the report to the DSEA seven (7) days prior to the IEP meeting. The DOS will complete the IEP in SEIS in collaboration with the DSEA. This includes, among other things, the development of goals. The DSEA is responsible for the offer of FAPE in LRE.

If the DSEA receives a parent request for assessment and the student is parentally placed in a private school outside of the DSEA, the EV-93 will be used to inform the DOS. The DOS will follow the steps outlined above.

IEP Team Determination of Eligibility

The LEA that completed the evaluation, (DOS), shall invite the student's teacher and an administrator from the private school and a representative from the DSEA to attend the Individualized Education Program (IEP) team meeting to share the assessment results, determine eligibility for special education services and, if appropriate, develop an IEP. The DSEA will offer FAPE in LRE.

Provision of Equitable Services

There are two ways a student with an identified disability can receive special education services via an Individualized Education Program (IEP) or an Individualized Service Plan (ISP).

Services via the IEP Process: Should the student be found eligible for special education services; the student's district of special education accountability (DSEA) is responsible for offering FAPE in the IEP. It is important that the parent understand that (1) the IEP will be implemented should the parent enroll their child in the public school setting and (2) that they have no individual right to such services should they maintain their child's enrollment in the private school setting.

No parentally placed private school student with a disability has an individual right to receive some or all of the special education and related services that he/she would receive if enrolled in a public school. No LEA is required to pay for the cost of educating a child with a disability at a private school if the LEA made FAPE available to the child and the parents voluntarily elected to place the child in a private school. At each evaluation and IEP meeting, the parents will be given a copy of the *Notice of Parental Rights and Procedural Safeguards*. Disputes regarding whether a LEA offered FAPE to the child (as well as the initial identification and evaluation of parentally placed private school children with disabilities) may be resolved pursuant to local and state policies and procedures.

Services via the ISP Process: If the private school where the student is enrolled is within the district of special education accountability boundaries, the DSEA shall develop an ISP and be considered the district of services (DOS). If the private school where the student is enrolled is outside the district of special education boundaries, the DSEA shall refer the case to the DOS where the private school is located for development of an ISP. In both cases, the LEA obligation to provide special education services does not go beyond what was agreed to via the private school consultation process as documented in the Private School Protocol.

The DOS will develop an ISP for the student. The team develops the Individual Service Plan in SEIS after the parent has declined the offer of FAPE through the IEP. During this meeting, the ISP team will review the offer of FAPE from the DSEA and develop an ISP accordingly. The parent has a right to accept or decline the service(s) offered through the ISP. Both the ISP and the IEP are affirmed together in SEIS. If the parent maintains enrollment in the private school, the DOS will invite the parents to attend an ISP meeting to review their child's ISP and progress on an annual basis. A copy of the signed ISP must be provided to the student's DSEA.

Note:

- The ISP Process only includes nonprofit private schools, including religious institutions, and does not include students placed in for-profit private schools as per 34 CFR § 300.130, § 300.13 and § 300.36 which defines eligibility criteria for parentally placed students with disabilities in private school.
- The ISP process is for students between age 3 and the completion of student's 12th grade year (EC § 48200 and § 56170 and 34 CFR §§300.13 and 300.36).
- For preschool students on an IEP who transition into a private school kindergarten, an ISP needs to be developed when the student turns six years of age (EC § 48200 and 34 CFR §§ 300.13).
- If services offered by the LEA change during the annual private school protocol review, the DOS needs to review the ISPs of students attending private schools to ensure they match the private school protocol.

Out of State Children with Disabilities

The district where the private school is located conducts child find for all parentally placed private school children, including those children attending who reside out of state. The district where the private school is located determines and pays for equitable participation services provided to out-of-state parentally placed private school children with disabilities.

Preschool Children with Disabilities

Private school students with disabilities are defined as children with disabilities enrolled by a parent in private schools or facilities that meet the definition of an 'elementary school' or 'secondary school (EC § 56170). Preschool students with disabilities ages 3 to 5 years old are eligible for equitable services through an ISP if the private preschool or facility meets the CA definition of an "elementary school". Alternatively, preschool students with disabilities are eligible for services through an IEP up until the age of 6.

IEP/ISP Process and CALPADS Reporting

The LEA providing the services, the DOS, to a student enrolled in private school is responsible for reporting the student in California Longitudinal Pupil Achievement Data System (CALPADS).

<u>CALPADS reporting steps/overview:</u>

- The District of Service (DOS) obtains an SSID for the student and enrolls the private school student in the LEA's Student Information System (SIS) using the enrollment status 50 and CDS School code 0000002. All demographic data should be included as with typical enrollments.
- The enrollment record (SENR) is submitted to CALPADS as part of the district's CALPADS reporting process.
- An Initial IEP is conducted. When the parent declines the DSEA's offer of FAPE due to parental placement in private school, the IEP is NOT affirmed. Update the Education Plan Type to "200 – Individual Services Plan (ISP)".
- The finalized IEP record is stored in SEIS, but not reported to CALPADS.

- Following the Initial IEP, the DOS conducts the Individual Service Plan (ISP) meeting. The team determines the services that will be provided in accordance with the Private School Protocol. The entire IEP and ISP packet must be affirmed together within SEIS.
- The Student with Disabilities Status (SWDS), PLAN, and Special Education Services (SERV) records are submitted to CALPADS through SEIS/CALPADS Application Program Interface (API) that include the fields appropriate to an Initial or Reevaluation ISP meeting (Plan Type 200 record).
- An ISP meeting is conducted annually (an IEP is not held at the time of the annual meeting – only an ISP). Only the ISP page is affirmed.
- The annual ISP records (PLAN & SERV) are submitted to CALPADS through the SEIS API upon affirmation of the ISP in SEIS.
- The Reevaluation is conducted by the same process as the Initial. The IEP is completed, parent declines the offer of FAPE and requests an ISP, the ISP is completed, and the entire meeting (all IEP forms and the ISP form together) is affirmed.

Compliance Monitoring Obligations

The DOS reports those students who attend private schools located within district boundaries in their CALPADS submission.

After the initial offer of FAPE, the DSEA is NOT responsible for making an annual offer of FAPE via the IEP process. Once a student is eligible for special education services and parentally placed in a private school, a reevaluation of the eligibility need not occur for a period of 3 years. If the private school suspects another disability and requests additional assessment on a student, the DOS will notify the DSEA of the referral for evaluation. If the DSEA is providing special education services as the DOS, the student's CALPADS data will be collected and reported so the timelines are easy to track. Only the DOS can claim the student for CALPADS purposes.

A student who is attending private school who does not have a "current" IEP or Reevaluation assessment will continue to be considered eligible for special education until they exit from special education through the assessment process, graduate with a regular high school diploma or reach the age of 22. If a parent/adult student enrolls in a public school from a private school with an outdated IEP/Reevaluation, the DSEA will need to gather new assessment information by offering an assessment plan for updated eligibility determination.

SECTION VIII – REGIONAL PROGRAMS & PROGRAM TRANSFER PROCEDURES

The following describes the "Regional Program" in place in the East Valley SELPA (EV SELPA) to address specialized student program needs. The San Bernardino County Superintendent of Schools (SBCSS), the EV SELPA and Local Education Agencies (LEA) can be regionalized service providers for other LEAs within the EV SELPA. Regional programs are designed to meet the needs of students with specific disability conditions, functional levels, and age/grade ranges. Nothing in policy overrides an Individualized Education Program (IEP) team's right to make individual decisions regarding a student's placement in the least restrictive environment (LRE) or the provision of a free appropriate public education (FAPE).

Typically, a regional program provides services to students from more than one LEA. The Regional Program operator and a LEA requesting a program transfer must adhere to the procedures outlined in this policy. Any Regional Program proposal or proposed modification by the program operator must be reported to the EV SELPA Steering Committee and presented to the EV SELPA Board of Directors for approval. Regional Programs must be reviewed annually by March 15 by the EV SELPA Steering Committee.

The agency providing the Regional Program is required to develop a Memorandum of Understanding (MOU) with each LEA that is sending one or more students to the Regional Program. The MOU needs to specify responsibilities of each agency and the fee for service arrangements per the EV SELPA Regional Program Provider Responsibilities. The annual rates for programs need to be based on a "not-for-profit" philosophy such that the fees are designed to simply cover the costs for services. Preliminary notification of fee-for-services rates for the upcoming year must be provided by April 30 of the current fiscal year, with the final rates approved by the East Valley SELPA Board of Directors in the May or June meeting, annually.

Regional Program

A Regional Program provides services to students who are residents of multiple LEAs. When the SBCSS, EV SELPA or an LEA is considering opening, closing, or transferring a regional program and/or pulling students from a regional program to open a district-only program, the LEA must communicate with and discuss implications with the LEAs that may be impacted by the proposed plan by following the procedures and timelines in this policy.

While the procedure outlined below emphasizes the importance of cooperation and collaboration, and while it is incumbent upon the district or county of service to execute its responsibility as if it were the district of residence, even though due process may be filed against the District of Service (DOS) and/or the District of Residence (DOR), it is the ultimate responsibility of the DOR to ensure FAPE is provided.

Opening a Regional Program

Though EC Section 56207(b) is specific to program transfers, the education code section also serves as a basis for procedures and timelines for opening a regional program. Adhering to the procedures and timelines is expected. On a case-by-case basis, however, a program may be opened if all parties involved agree and the EV SELPA Board of Directors approves the opening of the program. The case shall be presented to the EV SELPA Board of Directors for approval. When timelines are met, all program opening cases shall go to the EV SELPA Board of Directors as an action item at the spring meeting, no later than March.

Program Opening Timelines

The following timelines, displayed as an example, shall be followed for all program opening requests:

Example: Notification date for program opening:	No later than June 30, 2023
Preparation year:	2023-2024
Implementation year:	2024-2025
(beginning with next school year calendar)	

Notification Year

Any LEA(s) considering the possibility of making a formal written notification of intent to open a program as a regional provider, must discuss this with the EV SELPA Chief Administrative Officer the spring prior to making the notification. The following is required:

- By June 30: A year and one day prior to implementation, the LEA(s) interested in opening a regional program shall notify in writing the EV SELPA, SBCSS or any other regionalized service provider of intent to open a regional program(s). Each initial request to open a regional program shall be provided as an information item on the next EV SELPA Steering/Finance Committee meeting agenda.

Preparation Year

- By October 31: the LEA(s) proposing to open a regional program must conduct a needs survey and provide the results of the survey to the EV SELPA. As part of conducting the survey, the LEA(s) will complete an internal review of the survey results to determine the administrative oversight, job descriptions, facilities, location of program, materials, transportation and/or other necessary details. The survey results will be presented to the EV SELPA Steering Committee by the LEA(s) proposing to open a regional program at its November meeting.
- By January 1: LEAs affected by the program opening shall submit to the EV SELPA a notification of intent letter if they are interested in having the new provider serve their students. The notification to open a regional program and the intent letters to place students in the program shall be provided as an information item to the EV SELPA Board of Directors at the February meeting.
- By January 31: The LEA(s) proposing to open a regional program must provide to the EV SELPA a letter from the LEA(s) Superintendent indicating support of the program opening and indicating potential program costs, location, personnel, and fees. The letter will specifically detail the following:
    - Identify the potential total fiscal cost to operate the new regional program,
    - Identify the location of the new regional program and any other facility issues,
    - Identify any personnel required for the new regional program, and,
    - Identify potential fees for students placed in the new regional program.

In addition, the LEA(s) proposing to open a regional program must complete and submit to the EV SELPA Chief Administrative Officer the required Program Opening Assurances & Detailed Plan for Opening a Program (Appendix A), Verification of the Involvement of Stakeholders in the Plan to Open a Regional Special Education Program (Appendix B).

The above letter and appendices shall be provided to the EV SELPA Steering/Finance Committee in February for their consideration to make a recommendation regarding opening the regional program at the EV SELPA Board of Directors' February meeting.

- March: The next scheduled EV SELPA Board of Directors agenda will include an action item to approve or disapprove the opening of the special education regional program with the intent to

open the program July 1, unless the approval requires a different start date. The approval is dependent upon a simple majority of vote of the members in attendance.

- April through June: If approved, the LEA(s) opening the regional program are responsible for and must engage in the procedures described in the EV SELPA Regional Program Provider Responsibilities and take all necessary steps to open the program.

Implementation Year

The new program operator will begin providing services effective the beginning of the next school year calendar. The current program operator provides services during extended school year (ESY) unless negotiated otherwise, as applicable.

Transfer of Regional Programs

A Regional Program provides services to students who are residents of multiple LEAs. When the SBCSS, EV SELPA or an LEA is considering transferring students from a regional program to open a district-only program, the LEA must communicate with and discuss implications with the LEAs that may be impacted by the proposed plan by following the Program Transfer timelines in this policy.

Transfer of Program via Discontinuing Referrals to Regional Programs

There is no established timeline that states if a certain number of students within a certain timeline are transferred from one program to another that the formal program transfer procedures must be followed. However, the intent of Ed Code 56207 is clear that the transfer of services and programs from an LEA that may impact the operation of a Regional Program must comply with the specified transfer program requirements. Therefore, a LEA who is considering discontinuing referrals to a Regional Program operated by the SBCSS, EV SELPA or another LEA within the SELPA shall be held accountable to the same procedures and timelines for notification of program transfer.

Transfer of Group of Students

The IEP process should not be used to expressly bypass the formal program transfer process. No educational programs and services already in operation shall be transferred unless the SELPA has developed a transfer plan that meets the specified requirements (Education Code §56207). To transfer students, pursuant to the IEP process, from their current placement to a new class in a LEA outside of the formal program transfer process could be deemed as not in conformity with this provision of the Education Code.

The IEP process is designed to determine an appropriate individualized education program for each student. To convene an IEP meeting because a new class has been established in a LEA is not generally a basis for an IEP meeting. (See Education Code §56343) On the other hand, if over the course of time, based on an evaluation of their individualized needs and/or lack of progress in their current placement, students are transferred to a new program established by the LEA, the formal transfer process may not be triggered. However, this should not be intentionally utilized as a means to bypass a formal transfer process. Further, the decisions to transfer a student during an IEP meeting to the new class need to be based on the student's individualized needs and not external factors.

Program Transfer Timelines

Pursuant to EC Section 56207(b), a program transfer may take effect no earlier than the first day of the second fiscal year beginning after the date on which the sending or receiving agency has informed the other agency and the EV SELPA Board of Directors. On a case-by-case basis, the program transfer may take effect earlier (beginning of the next school year) if all parties involved in the transfer agree and the EV SELPA Board of Directors has approved the program transfer. If timelines are missed but all parties currently utilizing the existing program involved in the transfer agree, the case shall be presented to the EV SELPA Board of Directors for approval. When timelines are met, all program transfer cases shall go to the EV SELPA Board of Directors as an action item at the mid-year meeting, no later than December.

The following timelines, displayed as an example, shall be followed for all program transfer requests:

Example: Notification date for program transfer: No later than March 31, 2024

Preparation year: 2024-2025

Implementation year: 2025-2026

(beginning with next school year calendar)

Notification Year

Any LEA(s) considering the possibility of making a formal written notification of intent to transfer programs or stop making referrals to a regional provider, must discuss this with the EV SELPA Chief Administrative Officer and the current provider in the winter prior to making the notification. The following is required:

- March 31: Eighteen months prior to implementation, pursuant to Education Code Section 56205, the LEA(s) interested in considering transfer of one or more programs from one provider to another shall notify in writing to the EV SELPA, SBCSS or any other regionalized service provider of intent to transfer program(s).

The written preliminary notification shall include whether or not the interested LEA plans to open a regional program. In that case, all procedures outlined in this policy to open a regional program must be followed. LEAs affected by the program transfer are also responsible for following these procedures. Each initial program transfer notification letter shall be provided as an information item on the next Steering/Finance Committee, and Board of Directors meetings.

Preparation Year

- By August 1: The LEA proposing the transfer must provide a student list of proposed students impacted by the transfer to the EV SELPA and SBCSS. The list shall include the following information for each student: name, date of birth, disability(ies), grade level, current IEP date, Reevaluation IEP date, current attending school, current teacher, and all current special education services by type, frequency and duration.
- By September 7: EV SELPA, SBCSS or other regionalized service providers must prepare a report indicating any possible financial and programmatic impact. The current service provider will address the following in their report:

- Identify any adverse fiscal impact on the remaining operated program
- Identify any adverse programmatic impact on the remaining operated program
- Identify and evaluate any facility issues; and,
- Identify any personnel issues.

The LEA proposing the transfer must complete and submit to the EV SELPA administration the required Assurances Page (Appendix C) and Detailed Plan for Program Transfer (Appendix D) with a copy provided to the current program service provider.

The above reports shall be provided as information item on the next EV SELPA Steering/Finance Committee and Board of Directors meetings.

- By October 31: The LEA(s) requesting the program transfer must provide Verification of Involvement of Stakeholders in the Plan for Special Education Program Transfers (Appendix E) along with written notification to the EV SELPA Board of Directors and SBCSS or other service providers whether or not the LEA will be taking back program(s).
- November: The next scheduled EV SELPA Board of Directors agenda will include an action item to approve or disapprove the special education program transfer request. The approval is dependent upon a simple majority vote of the members in attendance.
- January through June: In any type of program transfer, the new program operator shall work cooperatively with the current operator to complete administrative activities such as scheduling IEP meetings, transfer of files, coordination of related services, notification of parents, and other activities associated with the program transfer.

Note: It is the requirement of all SELPA transfer plans that the functional continuation of the current IEP of all affected students be provided for (Ed. Code §56207(a)(3)).

An IEP meeting is required to be convened when there is a request to develop, review or revise the individualized education program for a student (Ed. Code, §56343). A student's educational placement is defined as "that unique combination of facilities, personnel, location or equipment necessary to provide instructional services to an individual with exceptional needs, as specified in the IEP…" (Cal. Code Regs. tit. 5, §3042). If the alteration of a program operator truly has no impact on the facility, personnel, location, or equipment provided to the student, then the change in program operator would not require that an IEP meeting be convened for each affected student.

Implementation Year

The new program operator will begin providing services effective the beginning of the next school year calendar. The current program operator provides services during extended school year unless negotiated otherwise. In such cases, the existing MOU applies.

Education Code Requirements

Pursuant to Education Code Section 56207(a):

No educational programs and services already in operation in school districts or a county office of education pursuant to Part 30 (commencing with Section 56000) shall be transferred to another school district or a county office of education or from a county office of education to a school district unless the

special education local plan area has developed a plan for the transfer which addresses, at a minimum, all of the following:

(1) Pupil needs.

(2) The availability of the full continuum of services to affected pupils.

(3) The functional continuation of the current individualized education programs of all affected pupils.

(4) The provision of services in the least restrictive environment from which affected pupils can benefit.

(5) The maintenance of all appropriate support services.

(6) The assurance that there will be compliance with all federal and state laws and regulations and special education local plan area policies.

(7) The means through which parents and staff were represented in the planning process.

To meet this requirement, each LEA pursuing a program transfer will be required to complete a "Detailed Plan for Special Education Program Transfers" (Appendix A) and to sign off on the "Program Transfer Assurances" (Appendix B) by September 7 of the year prior to initiating the new program services.

Personnel Considerations

Certificated Positions

The following apply:

Whenever any certificated employee, who is performing service for one employer, is terminated, reassigned, or transferred, or becomes an employee of another employer because of the reorganization of special education programs, the employee shall be entitled to the following:

- The employee shall retain the seniority date of his or her employment with the district or county office from which he or she was terminated, reassigned, or transferred.
- The reassignment, transfer, or new employment caused by the reorganization of special education programs shall not affect the seniority or classification of certificated employees already attained in any school district that undergoes the reorganization. These employees shall have the same status with respect to their seniority or classification, with the new employer, including time served as probationary employees. The total number of years served as a certificated employee with the former district or county office shall be credited, year for year, for placement on the salary schedule of the new district or county office.
- Subsequent to the reassignment or transfer of any certificated employee as a result of the reorganization of special education programs that employee shall have priority in being informed of and in filling certificated positions in special education in the areas in which the employee is certificated within the district or county office by which the certificated employee is then currently employed.
- A certificated employee who has served as a special education teacher in a district or county office and has been terminated from his or her employment by that district or county office shall have first priority in being informed of and in filling vacant certificated positions in special

education, for which the employee is certificated and was employed, in any other county office or school district that provides the same type of special education programs and services for the pupils previously served by the terminated employee. For a period of 39 months for permanent employees and 24 months for probationary employees from the date or termination, the employee shall have the first priority right to reappointment as provided by this section, if the employee has not attained the age of 65 years before reappointment.

Classified Positions

The following apply:

If the reorganization of special education programs results in a classified employee who is performing services for one employer being terminated, reassigned, or transferred, or becoming the employee of another employer, the employee shall retain the seniority acquired at his or her employment with the school district or county office of education from which he or she was terminated, reassigned, or transferred.

The reassignment of an employee, transfer of an employee, or new employment of an employee caused by the reorganization of special education programs does not affect the seniority or classification that a classified employee already attained in any school district that undergoes the reorganization. The employee has the same status with respect to his or her seniority or classification, with the new employer, including time served as a probationary employee. The total number of years served as a classified employee with the former school district or county office shall be credited, year for year, for placement on the salary schedule of the new school district or county office.

A classified employee who is reassigned or transferred as a result of the reorganization of special education programs has priority in being informed of and in filling classified positions in the classifications in which the employee was employed before the reassignment or transfer. This priority expires 24 months after the date of reassignment or transfer and may be waived by the employee during that time period.

A classified employee who served in a special education program in a school district or county office and is terminated from his or her employment by that school district or county office as a result of the reorganization of a special education program has first priority in being informed of and in filling vacant classified positions for which the employee is qualified or was employed in the county office or school district that operates the reorganized special education program.

Permanent employees have the first priority right to reappointment as provided in this section for 39 months from the date of termination. Probationary employees have the first priority right to reappointment as provided in this section for 24 months from the date of termination.

Resolving Disagreements Related to Program Transfers

If either the sending or receiving agency disagree with the proposed transfer, the distribution of funds, the responsibility for service provisions or other aspects of the transfer plan, the matter should be resolved by alternative resolution processes.

Closing a Regional Program

Though EC Section 56207(a) is specific to program transfers, the education code section also serves as a basis for procedures and timelines for closing a regional program. Adhering to the procedures and timelines is expected. On a case-by-case basis, however, a program may be closed if all parties involved agree and the EV SELPA Board of Directors approves the closing of the program. The case shall be presented to the EV SELPA Board of Directors for approval.

When timelines are met, all program closing cases shall go to the EV SELPA Board of Directors as an action item at the spring meeting, no later than May.

Program Closing Timelines

The following timelines, displayed as an example, shall be followed for all program transfer requests:

Example: Notification date for program closure:	No later than June 30, 2023
Preparation year:	2023-2024
Implementation year:	2024-2025
(beginning with next school year calendar)	

Notification Year

Any LEA(s) considering the possibility of making a formal written notification of intent to close a program as a regional provider, must discuss this with the EV SELPA Chief Administrative Officer the spring prior to making the notification. The following is required:

- By June 30: A year and one day prior to implementation, the LEA(s) interested in closing a regional program shall notify in writing to the EV SELPA, SBCSS or any other regionalized service provider of intent to close a regional program(a) and the reason(s) why. The request to close a regional program shall be provided as an information item on the next EV SELPA Steering/Finance Committee meeting agenda.

Preparation Year

- By October 31: The LEA(s) proposing to close a regional program must develop and provide a report identifying the number of students, the SSIDs of the students, all services each student receives, and the student's district of residence to the EV SELPA. The identifying student information must also be confidentially and securely provided to the district of residence for each student. The non-identifying student information will be presented to the EV SELPA Steering Committee at its November meeting. In addition, an information only item indicating the LEA(s) have notified the EV SELPA of the potential to close a regional program will be provided to the EV SELPA Board of Directors in the November meeting.
- By January 31: The LEA(s) proposing to close a regional program must complete and submit to the EV SELPA the required Program Closing Assurances (Appendix F). This will be provided to the EV SELPA Steering/Finance Committee in February for their consideration to make a recommendation regarding closing the regional program at the EV SELPA Board of Director's February meeting.

- March: The next scheduled EV SELPA Board of Directors agenda will include an action item to approve or disapprove the closing of the special education regional program with the intent to close the program at the end of the current extended school year (ESY). The approval is dependent upon a simple majority vote of the members in attendance.
- April through June: If approved, the LEA(s) closing the regional program are responsible for and must engage in the procedures described in the EV SELPA Regional Program Provider Responsibilities for notifying parents of the closure as well as scheduling and conducting all relevant IEP meetings ensuring the participation of representatives of the students' district of residence.

Implementation Year

The regional program operator will cease providing services effective the beginning of the next school year calendar and will provide services during extended school year (ESY) of the year in which the program closing is approved by the EV SELPA Board of Directors, unless negotiated otherwise. In such cases, the existing MOU applies.

SECTION IX – SAN BERNARDINO COUNTY SUPERINTENDENT OF SCHOOLS REFERRAL PROCEDURES

The following process should be followed when referring a student to a county program placement:

	County Placement at Initial IEP	
	District	**EV-Ops**
Referral	• Sends EV-20, EV-10, EV-98 and any current documentation ASAP but no fewer than 30 days into 60-day timeline: **evops.referrals@sbcss.net**	• EV-Ops Administrator notifies district no less than 10 days prior to end of 60-day timeline whether student is appropriate for placement • Denial must be approved by Area Director
IEP Meeting	• Invites County • Coordinates and conducts IEP. Offers FAPE • District finalizes IEP with projected start date and changes School of Attendance to County	• Attends initial IEP meeting
Enrollment	• Provide copies of all assessments and signed IEP, health evaluations, immunization records, transcripts for students in 9-12th grade, state testing results, other agency reports, language assessment and determination	• Provides online enrollment to ERH at IEP • Confirms start date, program location • Ensures student file is provided to teacher
Follow-Up	• Attends all future IEP meetings and makes offer of FAPE	• Conducts all future IEP meetings and invites district

	Change of Placement	
	District	**EV-Ops**
Referral	• Sends EV-20, EV-10, EV-98, current IEP and assessment reports, and/or health care plans as appropriate: **evops.referrals@sbcss.net**	• EV-Ops Administrator reviews the potential placement request within 24 hours of receipt of referral and notifies district of decision • Denial must be approved by Area Director

IEP Meeting	• Invites County • Coordinates and conducts IEP. Offers FAPE • District finalizes IEP with projected start date and changes School of Attendance to County	• Attends IEP meeting
Enrollment	• Provide copies of all assessments and signed IEP, health evaluations, immunization records, transcripts for students in 9-12th grade, state testing results, other agency reports, language assessment and determination	• Provides online enrollment to ERH at IEP • Confirms start date, program location • Ensures student file is provided to teacher
Follow-Up	• Attends all future IEP meetings and offers FAPE	• Conducts all future IEP meetings and invites district

	Interim Placement	
	District	**EV-Ops**
Referral	• Completes EV-58/EV-58M and sends to County • Sends EV-20, EV-10, EV-98 current IEP, current assessment reports, and/or health care plans as appropriate: **evops.referrals@sbcss.net**	• EV-Ops Administrator reviews the potential placement request within 24 hours of receipt of referral and notifies district of decision
Enrollment	• Requests records from prior LEA and submits to County	• Confirms start date, program location • Ensures student file is provided to teacher
IEP Meeting	• Attends 30-day/Plan Review IEP meeting and offers FAPE	• Conducts 30-day/Plan Review
Follow-Up	• Attends all future IEP meetings and offers FAPE	• Conducts all future IEP meetings and invites district

	Special Considerations for Placement
1:1 Nurse	• If 1:1 nurse is required, the nurse is provided by the District or the parent
Timelines	• If the student is due for an Plan Review IEP meeting within 30 days or Reevaluation within 60 days (or overdue on either) of the change of placement, the referring district will hold the IEP meeting (or bring it current) prior to/concurrently with referring the student
IAES	• The timeline listed above does not apply to students on a 45-day placement

The following process should be followed when referring a student to a county program for low incidence assessment and services:

	Referrals for Low Incidence Assessment	
	District	**EV-Ops**
Referral	• Sends EV-20, EV-10, current Plan Review/ Reevaluation IEP's, current/prior assessment reports, relevant medical or other agency reports, and additional materials as appropriate (optometric assessment/report and nurse vision screening for VI and audiogram for DHH): **evops.referrals@sbcss.net**	• EV-Ops Administrator notifies related service provider of referral
Coordination	• If the district is conducting other assessments, the related service provider will coordinate with the district within 15 days of original assessment request to prepare the coordinated assessment plan.	• If the EV-Ops related services assessment is the only assessment being conducted, the related service provider will prepare and send the assessment plan within the 15-day timeline directly to the ERH and provide a copy to the district.

Assessment		• Conducts assessment • Provides written report to district and IEP team • Drafts goals, if appropriate, and submits to case carrier at least 5 days prior to IEP meeting
IEP Meeting	• Invites County Related Service Provider • Coordinates and conducts IEP. Offers FAPE	• Related Service Provider attends IEP meeting to review assessment and make recommendations
Follow-Up	• Ensures related service provider is invited to future IEPs • At Reevaluations, district coordinates sending assessment plan to include related service provider assessment • Once assessment plan is received, district provides a copy of the signed AP to the related service provider within 24 hours	• Conducts Reevaluation assessments • Provides written report to district and IEP team • Drafts goals, if appropriate, and submits to case carrier at least 5 days prior to IEP meeting • Attends IEP meeting to review assessment and make recommendations

	Referrals for Low Incidence Services	
	District	**EV-Ops**
Referral	• Sends EV-20, EV-10, current Plan Review/ Reevaluation IEP's, current/prior assessment reports including statement of recommended services, relevant medical or other agency reports, and additional materials as appropriate: **evops.referrals@sbcss.net**	• EV-Ops Administrator notifies related service provider within 24 hours of referral for services
Services		• Related Service Provider begins services, without delay, according to the current IEP
IEP Meeting	• Invites County Related Service Provider • Coordinates and conducts IEP. Offers FAPE	• Attends future IEP Meetings
Follow-Up	• Ensures related service provider is invited to future IEPs • At Reevaluations, district coordinates sending assessment plan to include related service provider assessment • Once assessment plan is received, district provides a copy of the signed AP to the related service provider within 24 hours	• Conducts Reevaluation assessments • Provides written report to district and IEP team • Drafts goals, if appropriate, and submits to case carrier at least 5 days prior to IEP meeting • Attends IEP meeting to review assessment and make recommendations

	Special Considerations for Assessment & Services
VI Services	• SBCSS VI service is not vision therapy
DHH Services	• If the student does not have an audiogram at the time of a DHH referral for assessment or service, County will conduct an audiogram at district expense